

**Annual Administrative Code Supplement**  
**2008 Edition**

**DEPARTMENT OF COMMUNITY HEALTH**  
**OFFICE OF THE DIRECTOR**  
**DELAYED REGISTRATION OF BIRTHS**

**R 326.1**  
Source: 1997 AACS.

**R 326.2**  
Source: 1997 AACS.

**R 326.3**  
Source: 1997 AACS.

**R 326.4**  
Source: 1997 AACS.

**R 326.5**  
Source: 1997 AACS.

**DISTRICT AND COUNTY HEALTH DEPARTMENTS**

**PART 1. SERVICES**

**R 327.1**  
Source: 1997 AACS.

**R 327.2**  
Source: 1997 AACS.

**R 327.3**  
Source: 1997 AACS.

**R 327.4**  
Source: 1997 AACS.

**R 327.5**  
Source: 1997 AACS.

**R 327.6**  
Source: 1997 AACS.

**R 327.7**  
Source: 1997 AACS.

**R 327.8**  
Source: 1997 AACS.

**R 327.9**  
Source: 1997 AACS.

**R 327.10**  
Source: 1997 AACS.

**PART 2. PERSONNEL CLASSIFICATION AND QUALIFICATIONS**

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- R 327.41**  
Source: 1979 AC.
- R 327.45**  
Source: 1979 AC.
- R 327.47**  
Source: 1997 AACS.
- R 327.51**  
Source: 1979 AC.
- R 327.53**  
Source: 1979 AC.
- R 327.55**  
Source: 1979 AC.
- R 327.57**  
Source: 1979 AC.
- R 327.59**  
Source: 1979 AC.
- R 327.61**  
Source: 1979 AC.
- R 327.63**  
Source: 1979 AC.
- R 327.65**  
Source: 1979 AC.
- R 327.67**  
Source: 1979 AC.
- R 327.69**  
Source: 1979 AC.
- R 327.71**  
Source: 1979 AC.
- R 327.73**  
Source: 1979 AC.
- R 327.75**  
Source: 1979 AC.
- R 327.77**  
Source: 1979 AC.

**DEPARTMENT OF COMMUNITY HEALTH**

**HEALTH PROGRAMS ADMINISTRATION - BUREAU OF CHILDREN AND FAMILY PROGRAMS**

**DETERMINATION OF DEATHS OF CHILDREN**

**R 330.1**

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**Source:** 2007 AACS.

**R 330.2**

**Source:** 2007 AACS.

**R 330.3**

**Source:** 2007 AACS.

**R 330.4**

**Source:** 2007 AACS.

**DIRECTOR OF COMMUNITY HEALTH**  
**GENERAL RULES**

**R 330.20**

**Source:** 1997 AACS.

**R 330.21**

**Source:** 1997 AACS.

**R 330.30**

**Source:** 1997 AACS.

**R 330.31**

**Source:** 1997 AACS.

**R 330.32**

**Source:** 1997 AACS.

**R 330.33**

**Source:** 1997 AACS.

**R 330.34**

**Source:** 1997 AACS.

**R 330.35**

**Source:** 1997 AACS.

**R 330.36**

**Source:** 1997 AACS.

**R 330.37**

**Source:** 1997 AACS.

**R 330.40**

**Source:** 1997 AACS.

**R 330.41**

**Source:** 1997 AACS.

**R 330.42**

**Source:** 1997 AACS.

**R 330.43**

**Source:** 1997 AACS.

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**R 330.44**  
Source: 1997 AACS.

**R 330.45**  
Source: 1997 AACS.

**R 330.46**  
Source: 1997 AACS.

**R 330.47**  
Source: 1997 AACS.

**R 330.48**  
Source: 1997 AACS.

**R 330.50**  
Source: 1997 AACS.

**R 330.51**  
Source: 1997 AACS.

**R 330.52**  
Source: 1997 AACS.

**R 330.53**  
Source: 1997 AACS.

**R 330.54**  
Source: 1997 AACS.

**R 330.55**  
Source: 1997 AACS.

**R 330.56**  
Source: 1997 AACS.

**R 330.60**  
Source: 1997 AACS.

**R 330.61**  
Source: 1997 AACS.

**R 330.62**  
Source: 1997 AACS.

**R 330.63**  
Source: 1997 AACS.

**R 330.64**  
Source: 1997 AACS.

**R 330.70**  
Source: 1997 AACS.

**R 330.80**  
Source: 1997 AACS.

**R 330.81**  
Source: 1997 AACS.

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**R 330.82**  
Source: 1997 AACS.

**R 330.83**  
Source: 1997 AACS.

**R 330.84**  
Source: 1997 AACS.

**R 330.90**  
Source: 1997 AACS.

**R 330.91**  
Source: 1997 AACS.

**R 330.92**  
Source: 1997 AACS.

**R 330.93**  
Source: 1997 AACS.

**R 330.94**  
Source: 1997 AACS.

**R 330.95**  
Source: 1997 AACS.

**R 330.96**  
Source: 1997 AACS.

**R 330.97**  
Source: 1997 AACS.

**R 330.98**  
Source: 1997 AACS.

**R 330.99**  
Source: 1997 AACS.

**R 330.100**  
Source: 1997 AACS.

**R 330.101**  
Source: 1997 AACS.

**R 330.102**  
Source: 1997 AACS.

**R 330.103**  
Source: 1997 AACS.

**R 330.104**  
Source: 1997 AACS.

**R 330.105**  
Source: 1997 AACS.

**R 330.106**  
Source: 1997 AACS.

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**R 330.107**  
Source: 1997 AACS.

**R 330.108**  
Source: 1997 AACS.

**R 330.109**  
Source: 1997 AACS.

**R 330.111**  
Source: 1997 AACS.

**R 330.112**  
Source: 1997 AACS.

**R 330.113**  
Source: 1997 AACS.

**R 330.114**  
Source: 1997 AACS.

**R 330.115**  
Source: 1997 AACS.

**R 330.116**  
Source: 1997 AACS.

**R 330.117**  
Source: 1997 AACS.

**HEALTH LEGISLATION AND POLICY DEVELOPMENT**  
**GENERAL RULES**

**PART 1. DEPARTMENT OF MENTAL HEALTH**

**SUBPART 1. GENERAL PROVISIONS**

**R 330.1001**  
Source: 1998-2000 AACS.

**R 330.1005**  
Source: 1983 AACS.

**R 330.1010**  
Source: 1997 AACS.

**R 330.1015**  
Source: 1979 AC.

**R 330.1017**  
Source: 1981 AACS.

**R 330.1019**  
Source: 1983 AACS.

**R 330.1021**  
Source: 1979 AC.

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**R 330.1028**  
Source: 1979 AC.

**R 330.1031**  
Source: 1979 AC.

**R 330.1034**  
Source: 1979 AC.

**R 330.1037**  
Source: 1979 AC.

**R 330.1041**  
Source: 1979 AC.

**R 330.1045**  
Source: 1979 AC.

**R 330.1051**  
Source: 1979 AC.

**R 330.1053**  
Source: 1979 AC.

**R 330.1055**  
Source: 1979 AC.

**R 330.1057**  
Source: 1979 AC.

**R 330.1059**  
Source: 1979 AC.

**R 330.1075**  
Source: 1997 AACS.

**SUBPART 4. LICENSING AND REGULATION OF MENTAL HEALTH HOSPITALS, PSYCHIATRIC  
FACILITIES, AND PSYCHIATRIC UNITS**

**R 330.1201**  
Source: 1988 AACS.

**R 330.1210**  
Source: 1984 AACS.

**R 330.1213**  
Source: 1979 AC.

**R 330.1214**  
Source: 1990 AACS.

**R 330.1215**  
Source: 1979 AC.

**R 330.1220**  
Source: 1979 AC.

**R 330.1223**

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**Source:** 1979 AC.

**R 330.1226**

**Source:** 1979 AC.

**R 330.1228**

**Source:** 1979 AC.

**R 330.1232**

**Source:** 1979 AC.

**R 330.1235**

**Source:** 1979 AC.

**R 330.1239**

**Source:** 1990 AACS.

**R 330.1243**

**Source:** 1990 AACS.

**R 330.1250**

**Source:** 1979 AC.

**R 330.1252**

**Source:** 1979 AC.

**R 330.1255**

**Source:** 1986 AACS.

**R 330.1260**

**Source:** 1979 AC.

**R 330.1265**

**Source:** 1981 AACS.

**R 330.1267**

**Source:** 1979 AC.

**R 330.1269**

**Source:** 1983 AACS.

**R 330.1274**

**Source:** 1979 AC.

**R 330.1275**

**Source:** 1990 AACS.

**R 330.1276**

**Source:** 1988 AACS.

**R 330.1279**

**Source:** 1979 AC.

**R 330.1281**

**Source:** 1986 AACS.

**R 330.1285**

**Source:** 1986 AACS.



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**R 330.1287**  
Source: 1986 AACS.

**R 330.1289**  
Source: 1986 AACS.

**R 330.1291**  
Source: 1986 AACS.

**R 330.1295**  
Source: 1979 AC.

**R 330.1299**  
Source: 1979 AC.

**SUBPART 5. FOSTER CARE CONTRACT REVOCATION**

**R 330.1401**  
Source: 1997 AACS.

**SUBPART 6. FAMILY SUPPORT SUBSIDY PROGRAM**

**R 330.1601**  
Source: 2004 AACS.

**R 330.1606**  
Source: 2004 AACS.

**R 330.1607**  
Source: 1990 AACS.

**R 330.1611**  
Source: 1984 AACS.

**R 330.1613**  
Source: 1984 AACS.

**R 330.1616**  
Source: 1984 AACS.

**R 330.1621**  
Source: 1990 AACS.

**R 330.1626**  
Source: 1990 AACS.

**R 330.1631**  
Source: 1984 AACS.

**R 330.1636**  
Source: 1984 AACS.

**R 330.1641**  
Source: 1984 AACS.

**R 330.1643**  
Source: 1984 AACS.

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**R 330.1646**  
Source: 1984 AACS.

**R 330.1651**  
Source: 1984 AACS.

**R 330.1656**  
Source: 2003 AACS.

**SUBPART 7. PLACEMENT OF ADULTS WHO HAVE A MENTAL ILLNESS OR A DEVELOPMENTAL  
DISABILITY INTO COMMUNITY-BASED DEPENDENT LIVING SETTINGS**

**R 330.1701**  
Source: 1996 AACS.

**R 330.1702**  
Source: 1996 AACS.

**R 330.1703**  
Source: 1996 AACS.

**R 330.1704**  
Source: 1996 AACS.

**SUBPART 8. CERTIFICATION OF SPECIALIZED PROGRAMS OFFERED IN ADULT FOSTER CARE HOME  
TO CLIENTS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY**

**R 330.1801**  
Source: 1996 AACS.

**R 330.1802**  
Source: 1996 AACS.

**R 330.1803**  
Source: 1996 AACS.

**R 330.1804**  
Source: 1996 AACS.

**R 330.1805**  
Source: 1996 AACS.

**R 330.1806**  
Source: 1996 AACS.

**R 330.1807**  
Source: 1996 AACS.

**R 330.1808**  
Source: 1996 AACS.

**R 330.1809**  
Source: 1996 AACS.

**PART 2. COUNTY COMMUNITY MENTAL HEALTH SERVICES PROGRAMS**

**SUBPART 1. COMMUNITY MENTAL HEALTH SERVICES**

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**R 330.2005**  
Source: 1986 AACS.

**R 330.2006**  
Source: 1983 AACS.

**R 330.2007**  
Source: 1986 AACS.

**R 330.2008**  
Source: 1979 AC.

**R 330.2009**  
Source: 1979 AC.

**R 330.2010**  
Source: 1979 AC.

**R 330.2011**  
Source: 1979 AC.

**R 330.2012**  
Source: 1981 AACS.

**R 330.2013**  
Source: 1984 AACS.

**R 330.2014**  
Source: 1986 AACS.

**R 330.2022**  
Source: 1986 AACS.

**SUBPART 2. COMMUNITY MENTAL HEALTH BOARD REPORTS**

**R 330.2035**  
Source: 1979 AC.

**R 330.2038**  
Source: 1986 AACS.

**R 330.2039**  
Source: 1986 AACS.

**R 330.2041**  
Source: 1979 AC.

**R 330.2044**  
Source: 1979 AC.

**R 330.2051**  
Source: 1979 AC.

**R 330.2052**  
Source: 1979 AC.

**R 330.2055**  
Source: 1979 AC.

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**R 330.2058**  
Source: 1979 AC.

**SUBPART 4. COMMUNITY MENTAL HEALTH BOARD**

**R 330.2063**  
Source: 1979 AC.

**R 330.2067**  
Source: 1986 AACS.

**R 330.2071**  
Source: 1986 AACS.

**SUBPART 5. COMMUNITY MENTAL HEALTH DIRECTOR**

**R 330.2081**  
Source: 1990 AACS.

**SUBPART 6. CHILDREN'S DIAGNOSTIC AND TREATMENT SERVICE**

**R 330.2105**  
Source: 1990 AACS.

**R 330.2110**  
Source: 1990 AACS.

**R 330.2115**  
Source: 1990 AACS.

**R 330.2120**  
Source: 1990 AACS.

**R 330.2125**  
Source: 1990 AACS.

**R 330.2130**  
Source: 1990 AACS.

**R 330.2135**  
Source: 1997 AACS.

**SUBPART 7. CERTIFICATION PROCESS**

**R 330.2701**  
Source: 1997 AACS.

**R 330.2702**  
Source: 1997 AACS.

**R 330.2703**  
Source: 1997 AACS.

**SUBPART 8. CERTIFICATION STANDARDS**

**R 330.2801**  
Source: 1997 AACS.

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**R 330.2802**  
Source: 1997 AACS.

**R 330.2803**  
Source: 1997 AACS.

**R 330.2804**  
Source: 1997 AACS.

**R 330.2805**  
Source: 1997 AACS.

**R 330.2806**  
Source: 1997 AACS.

**R 330.2807**  
Source: 1997 AACS.

**R 330.2808**  
Source: 1997 AACS.

**R 330.2809**  
Source: 1997 AACS.

**R 330.2810**  
Source: 1997 AACS.

**R 330.2811**  
Source: 1997 AACS.

**R 330.2812**  
Source: 1997 AACS.

**R 330.2813**  
Source: 1997 AACS.

**R 330.2814**  
Source: 1997 AACS.

**PART 3. STATE AND COUNTY FINANCIAL RESPONSIBILITY**

**R 330.3005**  
Source: 1979 AC.

**R 330.3007**  
Source: 1979 AC.

**R 330.3009**  
Source: 1979 AC.

**R 330.3010**  
Source: 1997 AACS.

**R 330.3013**  
Source: 1979 AC.

**R 330.3015**  
Source: 1979 AC.

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**R 330.3016**  
Source: 1979 AC.

**R 330.3017**  
Source: 1986 AACS.

**PART 4. ADMINISTRATIVE ACTION FOR MENTALLY ILL PERSONS REQUIRING TREATMENT AND  
THOSE DEEMED CLINICALLY SUITABLE FOR HOSPITALIZATION**

**SUBPART 1. DESIGNATED HOSPITALS**

**R 330.4005**  
Source: 1997 AACS.

**R 330.4008**  
Source: 1997 AACS.

**SUBPART 2. TRANSFER REQUIREMENTS**

**R 330.4011**  
Source: 1986 AACS.

**R 330.4013**  
Source: 1986 AACS.

**R 330.4015**  
Source: 1997 AACS.

**SUBPART 3. ADMISSION CONDITIONS**

**R 330.4025**  
Source: 1997 AACS.

**R 330.4028**  
Source: 1997 AACS.

**R 330.4031**  
Source: 1979 AC.

**R 330.4033**  
Source: 1997 AACS.

**R 330.4035**  
Source: 1997 AACS.

**R 330.4039**  
Source: 1981 AACS.

**R 330.4043**  
Source: 1997 AACS.

**R 330.4045**  
Source: 1986 AACS.

**R 330.4047**  
Source: 1986 AACS.

**R 330.4049**

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**Source:** 1986 AACS.

**R 330.4051**

**Source:** 1979 AC.

**R 330.4055**

**Source:** 1979 AC.

**R 330.4059**

**Source:** 1997 AACS.

**SUBPART 4. PERIODIC REVIEW**

**R 330.4065**

**Source:** 1997 AACS.

**R 330.4067**

**Source:** 1997 AACS.

**SUBPART 5. RELEASE AND DISCHARGE**

**R 330.4075**

**Source:** 1997 AACS.

**R 330.4077**

**Source:** 1990 AACS.

**R 330.4081**

**Source:** 1997 AACS.

**R 330.4083**

**Source:** 1990 AACS.

**R 330.4086**

**Source:** 1997 AACS.

**R 330.4089**

**Source:** 1979 AC.

**R 330.4091**

**Source:** 1997 AACS.

**R 330.4093**

**Source:** 1997 AACS.

**R 330.4095**

**Source:** 1997 AACS.

**PART 4A. CIVIL ADMISSION AND DISCHARGE PROCEDURES FOR EMOTIONALLY DISTURBED MINORS**

**SUBPART 1. GENERAL PROVISIONS**

**R 330.4501**

**Source:** 1990 AACS.

**R 330.4510**

**Source:** 1997 AACS.

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**R 330.4512**  
Source: 1997 AACs.

**R 330.4515**  
Source: 1997 AACs.

**SUBPART 2. ADMISSIONS**

**R 330.4601**  
Source: 1997 AACs.

**R 330.4603**  
Source: 1990 AACs.

**R 330.4606**  
Source: 1997 AACs.

**R 330.4611**  
Source: 1990 AACs.

**SUBPART 3. PERIODIC REVIEW**

**R 330.4616**  
Source: 1997 AACs.

**SUBPART 4. CHANGE IN STATUS OF HOSPITALIZATION**

**R 330.4620**  
Source: 1990 AACs.

**R 330.4621**  
Source: 1997 AACs.

**R 330.4626**  
Source: 1990 AACs.

**R 330.4631**  
Source: 1990 AACs.

**R 330.4636**  
Source: 1990 AACs.

**R 330.4641**  
Source: 1990 AACs.

**R 330.4646**  
Source: 1990 AACs.

**SUBPART 5. OBJECTION TO HOSPITALIZATION PROCESS**

**R 330.4651**  
Source: 1990 AACs.

**R 330.4656**  
Source: 1990 AACs.

**R 330.4661**  
Source: 1990 AACs.



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**PART 5. ADMINISTRATIVE ACTION FOR DEVELOPMENTALLY DISABLED PERSONS REQUIRING CARE  
AND TREATMENT**

**SUBPART 1. DESIGNATED RESIDENTIAL FACILITIES**

**R 330.5005**  
Source: 1986 AACS.

**R 330.5008**  
Source: 1997 AACS.

**SUBPART 2. TRANSFER REQUIREMENTS**

**R 330.5011**  
Source: 1997 AACS.

**R 330.5013**  
Source: 1997 AACS.

**R 330.5015**  
Source: 1979 AC.

**SUBPART 3. ADMISSION CONDITIONS**

**R 330.5025**  
Source: 1997 AACS.

**R 330.5028**  
Source: 1997 AACS.

**R 330.5031**  
Source: 1981 AACS.

**R 330.5033**  
Source: 1983 AACS.

**R 330.5039**  
Source: 1979 AC.

**R 330.5043**  
Source: 1979 AC.

**R 330.5045**  
Source: 1997 AACS.

**SUBPART 4. PERIODIC REVIEW**

**R 330.5065**  
Source: 1997 AACS.

**R 30.5067**  
Source: 1979 AC.

**SUBPART 5. RELEASE AND DISCHARGE**

**R 330.5075**  
Source: 1997 AACS.

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- R 330.5077**  
Source: 1979 AC.
- R 330.5081**  
Source: 1997 AACS.
- R 330.5083**  
Source: 1997 AACS.
- R 330.5086**  
Source: 1981 AACS.
- R 330.5089**  
Source: 1979 AC.
- R 330.5091**  
Source: 1979 AC.
- R 330.5093**  
Source: 1997 AACS.
- R 330.5095**  
Source: 1997 AACS.

**PART 6. GUARDIANSHIP FOR RECIPIENTS OF MENTAL  
HEALTH SERVICES**

- R 330.6006**  
Source: 1979 AC.
- R 330.6008**  
Source: 1979 AC.
- R 330.6011**  
Source: 1979 AC.
- R 330.6013**  
Source: 1981 AACS.
- R 330.6015**  
Source: 1979 AC.
- R 330.6022**  
Source: 1979 AC.
- R 330.6025**  
Source: 1979 AC.
- R 330.6027**  
Source: 1979 AC.
- R 330.6031**  
Source: 1986 AACS.

**PART 7. RIGHTS OF RECIPIENTS OF MENTAL HEALTH SERVICES**  
**SUBPART 1. GENERAL PROVISIONS**

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**R 330.7001**  
Source: 2007 AACS.

**R 330.7002**  
Source: 1998-2000 AACS.

**R 330.7003**  
Source: 1998-2000 AACS.

**R 330.7005**  
Source: 1998-2000 AACS.

**SUBPART 2. RIGHTS OF RECIPIENTS OF MENTAL HEALTH SERVICES**

**R 330.7009**  
Source: 2007 AACS.

**R 330.7011**  
Source: 2007 AACS.

**R 330.7012**  
Source: 1998-2000 AACS.

**R 330.7014**  
Source: 1998-2000 AACS.

**R 330.7017**  
Source: 1998-2000 AACS.

**R 330.7029**  
Source: 1998-2000 AACS.

**R 330.7032**  
Source: 1998-2000 AACS.

**R 330.7035**  
Source: 1998-2000 AACS.

**R 330.7037**  
Source: 1998-2000 AACS.

**R 330.7045**  
Source: 1998-2000 AACS.

**R 330.7046**  
Source: 2007 AACS.

**R 330.7051**  
Source: 1998-2000 AACS.

**SUBPART 3. ADDITIONAL RIGHTS OF RESIDENTS OF FACILITIES**

**R 330.7125**  
Source: 1998-2000 AACS.

**R 330.7131**  
Source: 1997 AACS.

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**R 330.7135**  
Source: 1998-2000 AACS.

**R 330.7139**  
Source: 1998-2000 AACS.

**R 330.7142**  
Source: 1998-2000 AACS.

**R 330.7145**  
Source: 1998-2000 AACS.

**R 330.7151**  
Source: 1998-2000 AACS.

**R 330.7158**  
Source: 2007 AACS.

**R 330.7161**  
Source: 1998-2000 AACS.

**R 330.7165**  
Source: 1998-2000 AACS.

**R 330.7171**  
Source: 1981 AACS.

**R 330.7175**  
Source: 1998-2000 AACS.

**R 330.7181**  
Source: 1998-2000 AACS.

**R 330.7185**  
Source: 1998-2000 AACS.

**R 330.7188**  
Source: 1998-2000 AACS.

**R 330.7189**  
Source: 1998-2000 AACS.

**R 330.7191**  
Source: 1998-2000 AACS.

**R 330.7195**  
Source: 1998-2000 AACS.

**R 330.7199**  
Source: 2007 AACS.

**R 330.7205**  
Source: 1998-2000 AACS.

**R 330.7221**  
Source: 1997 AACS.

**R 330.7227**

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**Source:** 1998-2000 AACS.

**R 330.7229**

**Source:** 1998-2000 AACS.

**R 330.7231**

**Source:** 1998-2000 AACS.

**R 330.7235**

**Source:** 1998-2000 AACS.

**R 330.7239**

**Source:** 1998-2000 AACS.

**R 330.7243**

**Source:** 2007 AACS.

**R 330.7251**

**Source:** 1998-2000 AACS.

**R 330.7253**

**Source:** 1998-2000 AACS.

**R 330.7254**

**Source:** 1998-2000 AACS.

**R 330.7260**

**Source:** 1981 AACS.

**PART 8. FINANCIAL LIABILITY FOR MENTAL HEALTH SERVICES**

**R 330.8005**

**Source:** 1997 AACS.

**R 330.8008**

**Source:** 1997 AACS.

**R 330.8012**

**Source:** 1997 AACS.

**R 330.8014**

**Source:** 1979 AC.

**R 330.8016**

**Source:** 1979 AC.

**R 330.8018**

**Source:** 1979 AC.

**R 330.8021**

**Source:** 1979 AC.

**R 330.8024**

**Source:** 1981 AACS.

**SUBPART 2. COMMUNITY MENTAL HEALTH**

**R 330.8201**

**Source:** 1997 AACS.

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**R 330.8204**  
Source: 1997 AACS.

**R 330.8205**  
Source: 1997 AACS.

**R 330.8206**  
Source: 1997 AACS.

**R 330.8207**  
Source: 1997 AACS.

**R 330.8208**  
Source: 1997 AACS.

**R 330.8209**  
Source: 1997 AACS.

**R 330.8210**  
Source: 1997 AACS.

**R 330.8214**  
Source: 1997 AACS.

**R 330.8215**  
Source: 1997 AACS.

**R 330.8217**  
Source: 1997 AACS.

**R 330.8220**  
Source: 1997 AACS.

**R 330.8224**  
Source: 1997 AACS.

**R 330.8227**  
Source: 1997 AACS.

**R 330.8229**  
Source: 1997 AACS.

**R 330.8230**  
Source: 1997 AACS.

**R 330.8234**  
Source: 1997 AACS.

**R 330.8237**  
Source: 1997 AACS.

**R 330.8238**  
Source: 1997 AACS.

**R 330.8239**  
Source: 1997 AACS.

**R 330.8240**  
Source: 1997 AACS.

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**R 330.8241**  
Source: 1997 AACS.

**R 330.8242**  
Source: 1997 AACS.

**R 330.8244**  
Source: 1997 AACS.

**R 330.8250**  
Source: 1997 AACS.

**R 330.8251**  
Source: 1997 AACS.

**R 330.8254**  
Source: 1997 AACS.

**R 330.8256**  
Source: 1997 AACS.

**R 330.8257**  
Source: 1997 AACS.

**R 330.8264**  
Source: 1997 AACS.

**R 330.8267**  
Source: 1997 AACS.

**R 330.8270**  
Source: 1997 AACS.

**R 330.8273**  
Source: 1997 AACS.

**R 330.8275**  
Source: 1997 AACS.

**R 330.8277**  
Source: 1997 AACS.

**R 330.8279**  
Source: 1997 AACS.

**R 330.8280**  
Source: 1997 AACS.

**R 330.8284**  
Source: 1997 AACS.

**PART 9. MISCELLANEOUS PROVISIONS**

**SUBPART 1. LAFAYETTE CLINIC**

**R 330.9001**  
Source: 1997 AACS.

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**R 330.9005**  
Source: 1997 AACS.

**R 330.9007**  
Source: 1997 AACS.

**R 330.9009**  
Source: 1997 AACS.

**R 330.9011**  
Source: 1997 AACS.

**SUBPART 2. NEURO-PSYCHIATRIC INSTITUTE**

**R 330.9121**  
Source: 1997 AACS.

**R 330.9123**  
Source: 1997 AACS.

**R 330.9125**  
Source: 1997 AACS.

**SUBPART 3. ADMINISTRATIVE PROCEDURE**

**R 330.9201**  
Source: 1997 AACS.

**R 330.9205**  
Source: 1997 AACS.

**R 330.9208**  
Source: 1997 AACS.

**R 330.9210**  
Source: 1997 AACS.

**R 330.9215**  
Source: 1997 AACS.

**R 330.9220**  
Source: 1997 AACS.

**R 330.9222**  
Source: 1997 AACS.

**R 330.9225**  
Source: 1997 AACS.

**SUBPART 4. IMPACT STATEMENTS**

**R 330.9301**  
Source: 1986 AACS.

**R 330.9306**  
Source: 1986 AACS.



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**SUBPART 5. CONDUCT ON DEPARTMENT PROPERTY**

**R 330.9401**  
Source: 1988 AACS.

**R 330.9406**  
Source: 1988 AACS.

**R 330.9411**  
Source: 1988 AACS.

**R 330.9416**  
Source: 1988 AACS.

**R 330.9421**  
Source: 1988 AACS.

**R 330.9426**  
Source: 1988 AACS.

**R 330.9431**  
Source: 1988 AACS.

**PART 10. CRIMINAL PROVISIONS**

**SUBPART 1. TRANSFER OF PRISONERS**

**R 330.10001**  
Source: 1997 AACS.

**R 330.10002**  
Source: 1997 AACS.

**R 330.10003**  
Source: 1997 AACS.

**R 330.10004**  
Source: 1997 AACS.

**R 330.10005**  
Source: 1997 AACS.

**R 330.10006**  
Source: 1997 AACS.

**R 330.10006a**  
Source: 1997 AACS.

**R 330.10007**  
Source: 1997 AACS.

**R 330.10008**  
Source: 1981 AACS.

**R 330.10009**  
Source: 1981 AACS.

**R 330.10010**

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**Source:** 1997 AACS.

**R 330.10011**

**Source:** 1981 AACS.

**R 330.10012**

**Source:** 1997 AACS.

**R 330.10013**

**Source:** 1981 AACS.

**R 330.10014**

**Source:** 1981 AACS.

**R 330.10015**

**Source:** 1997 AACS.

**R 330.10016**

**Source:** 1997 AACS.

**R 330.10017**

**Source:** 1997 AACS.

**R 330.10018**

**Source:** 1997 AACS.

**R 330.10019**

**Source:** 1997 AACS.

**R 330.10020**

**Source:** 1997 AACS.

**R 330.10021**

**Source:** 1997 AACS.

**R 330.10022**

**Source:** 1997 AACS.

**R 330.10023**

**Source:** 1997 AACS.

**R 330.10024**

**Source:** 1997 AACS.

**R 330.10025**

**Source:** 1997 AACS.

**R 330.10026**

**Source:** 1997 AACS.

**R 330.10027**

**Source:** 1997 AACS.

**R 330.10028**

**Source:** 1997 AACS.

**R 330.10029**

**Source:** 1997 AACS.

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**SUBPART 2. FORENSIC EXAMINATIONS**

**R 330.10055**  
Source: 1988 AACs.

**R 330.10056**  
Source: 1988 AACs.

**R 330.10057**  
Source: 1988 AACs.

**R 330.10058**  
Source: 1988 AACs.

**R 330.10059**  
Source: 1988 AACs.

**R 330.10061**  
Source: 1979 AC.

**R 330.10065**  
Source: 1979 AC.

**R 330.10067**  
Source: 1979 AC.

**R 330.10071**  
Source: 1979 AC.

**R 330.10079**  
Source: 1979 AC.

**R 330.10085**  
Source: 1979 AC.

**R 330.10087**  
Source: 1979 AC.

**R 330.10089**  
Source: 1979 AC.

**R 330.10091**  
Source: 1979 AC.

**R 330.10093**  
Source: 1979 AC.

**R 330.10095**  
Source: 1979 AC.

**R 330.10097**  
Source: 1979 AC.

**R 330.10099**  
Source: 1979 AC.

**DEPARTMENT OF COMMUNITY HEALTH**  
**HEALTH LEGISLATION AND POLICY DEVELOPMENT**

**GENERAL RULES**

**PART 11. ENFORCEMENT SYSTEM FOR LONG-TERM CARE FACILITIES**

**R 330.11001**  
Source: 1998-2000 AACS.

**R 330.11002**  
Source: 1998-2000 AACS.

**R 330.11003**  
Source: 1998-2000 AACS.

**R 330.11004**  
Source: 1998-2000 AACS.

**R 330.11005**  
Source: 1998-2000 AACS.

**R 330.11006**  
Source: 1998-2000 AACS.

**R 330.11007**  
Source: 1998-2000 AACS.

**R 330.11008**  
Source: 1998-2000 AACS.

**R 330.11009**  
Source: 1998-2000 AACS.

**R 330.11010**  
Source: 1998-2000 AACS.

**R 330.11011**  
Source: 1998-2000 AACS.

**R 330.11012**  
Source: 1998-2000 AACS.

**R 330.11013**  
Source: 1998-2000 AACS.

**R 330.11014**  
Source: 1998-2000 AACS.

**R 330.11015**  
Source: 1998-2000 AACS.

**R 330.11016**  
Source: 1998-2000 AACS.

**R 330.11017**  
Source: 1998-2000 AACS.

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**GENERAL RULES**

**R 331.1**  
Source: 1997 AACS.

**R 331.2**  
Source: 1997 AACS.

**R 331.3**  
Source: 1997 AACS.

**R 331.4**  
Source: 1997 AACS.

**R 331.5**  
Source: 1997 AACS.

**R 331.6**  
Source: 1997 AACS.

**R 331.7**  
Source: 1997 AACS.

**R 331.8**  
Source: 1997 AACS.

**R 331.9**  
Source: 1997 AACS.

**R 331.10**  
Source: 1997 AACS.

**R 331.11**  
Source: 1997 AACS.

**R 331.12**  
Source: 1997 AACS.

**R 331.13**  
Source: 1997 AACS.

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**AIR QUALITY DIVISION**

**GENERAL RULES**

**PART 1. DEFINITIONS**

**R 336.11**  
Source: 1997 AACS.

**R 336.12**  
Source: 1997 AACS.

**R 336.13**  
Source: 1997 AACS.

**R 336.14**

**Source:** 1997 AACS.

**PART 2. AIR USE APPROVAL**

**R 336.21**

**Source:** 1997 AACS.

**R 336.26**

**Source:** 1997 AACS.

**R 336.28**

**Source:** 1997 AACS.

**R 336.29**

**Source:** 1997 AACS.

**R 336.30**

**Source:** 1997 AACS.

**R 336.31**

**Source:** 1997 AACS.

**R 336.32**

**Source:** 1997 AACS.

**R 336.33**

**Source:** 1997 AACS.

**R 336.34**

**Source:** 1997 AACS.

**R 336.35**

**Source:** 1997 AACS.

**R 336.36**

**Source:** 1997 AACS.

**PART 3. EMISSION LIMITATIONS AND PROHIBITIONS**

**R 336.41—R 336.49**

**Source:** 1997 AACS.

**R 336.42**

**Source:** 1997 AACS.

**R 336.43**

**Source:** 1997 AACS.

**R 336.44**

**Source:** 1997 AACS.

**R 336.45**

**Source:** 1997 AACS.

**R 336.46**

**Source:** 1997 AACS.

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**R 336.47**  
Source: 1997 AACS.

**R 336.48**  
Source: 1997 AACS.

**R 336.49**  
Source: 1997 AACS.

**PART 4. TESTING AND SAMPLING**

**R 336.51**  
Source: 1997 AACS.

**R 336.52**  
Source: 1997 AACS.

**R 336.53**  
Source: 1997 AACS.

**R 336.54**  
Source: 1997 AACS.

**PART 5. AIR CLEANING DEVICES AND COLLECTED CONTAMINANTS**

**R 336.61**  
Source: 1997 AACS.

**R 336.62**  
Source: 1997 AACS.

**PART 6. AIR POLLUTION EPISODES**

**R 336.71**  
Source: 1997 AACS.

**R 336.72**  
Source: 1997 AACS.

**R 336.73**  
Source: 1997 AACS.

**R 336.74**  
Source: 1997 AACS.

**R 336.75**  
Source: 1997 AACS.

**R 336.76**  
Source: 1997 AACS.

**R 336.77**  
Source: 1997 AACS.

**R 336.78**  
Source: 1997 AACS.

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**R 336.79**  
**Source:** 1997 AACS.

**PART 7. ANNUAL REPORTING AND SURVEILLANCE FEES**

**R 336.81**  
**Source:** 1997 AACS.

**R 336.82**  
**Source:** 1997 AACS.

**R 336.83**  
**Source:** 1997 AACS.

**PART 8. SUSPENSION OF ENFORCEMENT**

**R 336.91**  
**Source:** 1997 AACS.

**R 336.92**  
**Source:** 1997 AACS.

**R 336.93**  
**Source:** 1997 AACS.

**R 336.94**  
**Source:** 1997 AACS.

**R 336.95**  
**Source:** 1997 AACS.

**R 336.96**  
**Source:** 1997 AACS.

**R 336.97**  
**Source:** 1997 AACS.

**PART 10. ORGANIZATION, OPERATIONS, AND PROCEDURES**

**R 336.101**  
**Source:** 1997 AACS.

**R 336.102**  
**Source:** 1997 AACS.

**R 336.103**  
**Source:** 1997 AACS.

**R 336.104**  
**Source:** 1997 AACS.

**R 336.105**  
**Source:** 1997 AACS.

**R 336.106**  
**Source:** 1997 AACS.



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**R 336.107**  
**Source:** 1997 AACS.

**R 336.108**  
**Source:** 1997 AACS.

**PART 11. HEARINGS**

**R 336.111**  
**Source:** 1997 AACS.

**R 336.112**  
**Source:** 1997 AACS.

**R 336.113**  
**Source:** 1997 AACS.

**R 336.114**  
**Source:** 1997 AACS.

**R 336.115**  
**Source:** 1997 AACS.

**R 336.116**  
**Source:** 1997 AACS.

**PART 14. EXTENSION OF COMPLIANCE DATE PAST JANUARY 1, 1980**

**R 336.141**  
**Source:** 1997 AACS.

**R 336.142**  
**Source:** 1997 AACS.

**R 336.143**  
**Source:** 1997 AACS.

**R 336.144**  
**Source:** 1997 AACS.

**R 336.145**  
**Source:** 1997 AACS.

**R 336.146**  
**Source:** 1997 AACS.

**R 336.147**  
**Source:** 1997 AACS.

**AIR QUALITY DIVISION**  
**ANNUAL REPORTING**

**R 336.201**  
**Source:** 1980 AACS.

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**R 336.202**  
**Source:** 1986 AACS.

**R 336.203**  
**Source:** 1997 AACS.

**R 336.204**  
**Source:** 1987 AACS.

**R 336.205**  
**Source:** 1980 AACS.

**DEPARTMENT OF ENVIROMENTAL QUALITY**

**AIR QUALITY DIVISION**

**DISBURSEMENT OF AIR POLLUTION SURVEILLANCE FEES TO LOCAL UNITS**

**R 336.501**  
**Source:** 1998-2000 AACS.

**R 336.502**  
**Source:** 1998-2000 AACS.

**R 336.503**  
**Source:** 1998-2000 AACS.

**R 336.504**  
**Source:** 1998-2000 AACS.

**R 336.505**  
**Source:** 1998-2000 AACS.

**R 336.506**  
**Source:** 1998-2000 AACS.

**R 336.507**  
**Source:** 1998-2000 AACS.

**R 336.508**  
**Source:** 1998-2000 AACS.

**MOTOR VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM**

**R 336.601**  
**Source:** 1997 AACS.

**R 336.602**  
**Source:** 1997 AACS.

**R 336.603**  
**Source:** 1997 AACS.

**AIR POLLUTION CONTROL**

**PART 1. GENERAL PROVISIONS**

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**R 336.1101**

**Source:** 2003 AACs.

**R 336.1102 Definitions; B.**

Rule 102. As used in these rules:

(a) "Best available control technology for toxics" or "T-BACT" means the maximum degree of emission reduction which the department determines is reasonably achievable for each process that emits toxic air contaminants, taking into account energy, environmental, and economic impacts and other costs.

(b) "Best available information" means data which serves as the basis for a risk assessment. Such information may be taken from the scientific literature or the integrated risk information system database maintained by the United States environmental protection agency or from other databases, as appropriate. The term includes other pertinent studies or reports containing data which the department finds to be of adequate quality for use in the risk assessment.

(c) "Black coating" means a coating which meets both of the following criteria:

(i) Maximum lightness: 23 units.

(ii) Saturation: less than 2.8, where saturation equals the square root of  $A^2 + B^2$ .

These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, maximum lightness is 33 units.

(d) "Blending tank," as it pertains to R 336.1631, means any vessel in which organic resin and solvent or other materials are added to produce a product blend.

(e) "Business machine" means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information or convert sound into electrical impulses for transmission, including devices listed in standard industrial classification numbers 3572, 3573, 3574, 3579, and 3661 and photocopy machines, a subcategory of standard industrial classification number 3861.

History: 1979 ACS 7, Eff. Aug. 22, 1981; 1989 MR 4, Eff. Apr. 19, 1989; 1992 MR 4, Eff. Apr. 17, 1992; 2002 MR 10, Eff. May 28, 2002; 2008 MR 6, Eff. Mar. 28, 2008.

**R 336.1103 Definitions; C.**

Rule 103. As used in these rules:

(a) "Calendar day" means a 24-hour time period which normally is midnight to midnight, but which may, upon written notification to the department, cover a different, consecutive 24-hour time period for a specific process.

(b) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(c) "Carcinogen" means any of the following:

(i) Group A -- Any substance for which there is sufficient evidence from human epidemiological studies to support a causal association between exposure to the agent and cancer.

(ii) Group B -- Any substance for which the weight of evidence of human carcinogenicity based on epidemiological studies is limited evidence or for which the weight of evidence of carcinogenicity based on animal studies is sufficient evidence.

(iii) Group C -- Any substance for which there is limited evidence of carcinogenicity in animals in the absence of human data and which causes a significant increased incidence of benign or malignant tumors in a single, well-conducted animal bioassay.

(d) "Charging period," with respect to coke ovens utilizing larry car charging methodology, means the total time taken between the point at which the coal starts flowing into the oven and the point at which the leveling door and the charging holes are closed with their respective lids after the coal from the larry car hoppers is emptied into the oven being charged through the respective charging holes and the coal has been leveled in the oven. "Charging period," with respect to coke ovens utilizing pipeline charging methodology, means the total time taken from the time at which the coal starts flowing into an oven by opening the preheated coal inlet valve to the time at which the coal flow ends when the inlet valve is closed.

(e) "Class II hardboard paneling finish" means a finish that meets the specifications of voluntary product standard PS-59-73, as approved by the American national standards institute.

(f) "Clean air act" means chapter 360, 69 stat. 322, 42 U.S.C. §§7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to 7661f, and 7671 to 7671q and regulations promulgated under the clean air act.

(g) "Clean charge" means furnace charge materials, including molten metal; t-bar; sow; ingot; billet; pig; alloying elements; uncoated/unpainted thermally dried metal chips; metal scrap dried at 343 degrees Celsius (650 degrees Fahrenheit) or higher; metal scrap delacquered/decoated at 482 degrees Celsius (900 degrees Fahrenheit) or higher; other oil and lubricant-free unpainted/uncoated gates and risers; oil and lubricant-free unpainted/uncoated scrap, shapes, or products (for example,

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pistons) that have not undergone any process (for example, machining, coating, painting) that would cause contamination of the metal (with oils, lubricants, coatings, or paints) and on-site runaround.

(h) "Clear coating" means a coating which lacks color and opacity or is transparent and which uses the undercoat as a reflectant base or undertone color.

(i) "Clinical testing of pharmaceuticals" means human or animal health studies conducted consistent with applicable government regulations, guidelines, or directions for approval of a pharmaceutical product, such as those monitored by the United States food and drug administration for the purpose of determining any of the following with respect to a drug:

- (i) Pharmacological action.
- (ii) Preferred route of administration.
- (iii) Safe dosage range.
- (iv) Optimum dosage schedule.
- (v) Safety and effectiveness.
- (vi) Product label indications.

(j) "Coating category" means a type of surface coating for which there is a separate emission limit specified in these rules.

(k) "Coating line" means an operation which is a single series in a coating process and which is comprised of 1 or more coating applicators and any associated flash-off areas, drying areas, and ovens wherein 1 or more surface coatings are applied and subsequently dried or cured.

(l) "Coating of automobiles and light-duty trucks" means the application of prime, primer surfacer, topcoat, and final repair to sheet metal and metallic body components during assembly of a vehicle. Examples of these sheet metal and metallic body components include all of the following:

- (i) Bodies.
- (ii) Fenders.
- (iii) Cargo boxes.
- (iv) Doors.
- (v) Grill openings.

(m) "Coating of cans" means exterior coating and interior spray coating in 2-piece can lines; interior and exterior coating in sheet coating lines for 3-piece cans; side seam spray coating and interior spray coating in can fabricating lines for 3-piece cans; and sealing compound application and sheet coating in end coating lines.

(n) "Coating of coils" means the coating of any flat metal sheet or strip that comes in rolls or coils.

(o) "Coating of fabric" means the application of any type of coating to flat sheets of a textile substrate, including the application of coatings by saturation or impregnation.

(p) "Coating of flat wood paneling" means the factory-finished coating of flat products which are constructed of wood and which are intended for use as interior paneling. This definition does not apply to the coating of flat wood products intended for use as exterior siding, tileboard, cabinets, or furniture components.

(q) "Coating of large appliances" means the coating of the component metal parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other associated products. Examples of these component metal parts include all of the following:

- (i) Doors.
- (ii) Cases.
- (iii) Lids.
- (iv) Panels.
- (v) Interior support parts.

(r) "Coating of metal furniture" means the coating of any furniture made of metal and includes the coating of any metal part that is or shall be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.

(s) "Coating of paper" means the application of any decorative, functional, or saturation coating applied across the entire width of any flat sheet or pressure-sensitive tape, regardless of substrate, or applied across a partial width of any flat sheet or pressure-sensitive tape, regardless of substrate, if this partial coverage is not considered to be an operation or series of operations that is included in the definition of graphic arts line in R 336.1107(e). These applications and substrates include paper, fabric, or plastic film; related wet-coating processes on plastic film, including typewriter ribbons, photographic film, and magnetic tape; and decorative coatings on metal foil, including gift wrapping and packaging.

(t) "Coating of plastic parts of automobiles and trucks" means the coating of any plastic part that is or shall be assembled with other parts to form an automobile or truck.

(u) "Coating of plastic parts of business machines" means the coating of any plastic part that is or shall be assembled with other parts to form a business machine.

(v) "Coating of vinyl" means any printing, decorative coating, or protective topcoat applied over vinyl-coated fabric or vinyl rolls or sheets. Coating of vinyl does not include the application or plastisols.

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- (w) "Coke battery" means a series of coke ovens arranged side by side with an integral heating system.
  - (x) "Coke oven" means a chamber in which coal is destructively distilled to yield coke.
  - (y) "Cokeside," with respect to a coke oven, means that side of the coke oven through which coke is discharged.
  - (z) "Coking cycle" means the time during which coal undergoes destructive distillation in a coke oven. It commences at the end of the charging period and ends at the beginning of the pushing operation, but does not include any decarbonization periods.
  - (aa) "Cold cleaner" means a tank containing organic solvent at a temperature below its boiling point which is used to spray, brush, flush, or immerse a metallic object for the purpose of cleaning or degreasing.
  - (bb) "Commercial location" means a publicly or privately owned place where persons are engaged in the exchange or sale of goods or services and multiple housing units designed for 3 or more families, except for elementary and secondary schools and facilities owned and operated by the state government. A separate building or group of buildings used for the exchange or sale of goods or services and having a single owner and manager constitutes a separate commercial location.
  - (cc) "Completed organic resin" means organic resin solids, solvents, and additives as deliverable for sale or use, including a dry organic resin.
  - (dd) "Compliance plan" means a description of the compliance status of a source with respect to all applicable requirements for each process or process equipment as follows:
    - (i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.
    - (ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis.
    - (iii) For applicable requirements for which the stationary source is not in compliance at the time of permit issuance, a narrative description of how the stationary source will achieve compliance with the requirements.
  - (ee) "Component" means 1 of the following:
    - (i) As it pertains to the provisions of R 336.1622, "component" means any piece of equipment that has the potential to leak a volatile organic compound and includes all of the following:
      - (A) Pump seals.
      - (B) Compressor seals.
      - (C) Seal oil degassing vents.
      - (D) Pipeline valves.
      - (E) Flanges and other connections.
      - (F) Pressure-relief devices.
      - (G) Process drains.
      - (H) Open ended pipes.
    - (ii) As it pertains to the provisions of R 336.1628, "component" means all of the following:
      - (A) Compressor seals.
      - (B) Process valves in light liquid or gaseous volatile organic compound service.
      - (C) Pressure-relief valves in gaseous volatile organic compound service.
      - (D) Seals of pumps in light liquid service.
    - (iii) As it pertains to the provisions of R 336.1629, "component" means all of the following:
      - (A) Compressor seals.
      - (B) Process valves.
      - (C) Pressure-relief valves.
      - (D) Pump seals.
- This definition does not include a valve that is not externally regulated, that is, a valve which has no external controls and thus does not have the potential to leak a volatile organic compound.
- (ff) "Component in field gas service" means a component that processes, transfers, or contains field gas.
  - (gg) "Component in gaseous volatile organic compound service" means a component that processes, transfers, or contains a volatile organic compound in the gaseous phase under actual conditions.
  - (hh) "Component in heavy liquid service" means a component that processes, transfers, or contains heavy liquid.
  - (ii) "Component in light liquid service" means a component that contacts a light liquid containing more than 10% volatile organic compound by weight.
  - (jj) "Component in liquid volatile organic compound service" means a component that processes, transfers, or contains a volatile organic compound in the liquid phase under actual conditions.
  - (kk) "Condenser" means a device that effects the removal of an air contaminant from an exhaust stream by a physical change of state from a vapor to a liquid or solid form.
  - (ll) "Control equipment" means air pollution control equipment.

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(mm) "Conventional air-atomizing spray equipment" means a device which is designed to atomize and direct fluid material solely through the use of compressed air and which is capable of operating at air pressures of more than 10 pounds per square inch.

(nn) "Conveyorized cold cleaner" means any continuous system that transports metallic objects through a bath containing organic solvent at a temperature below its boiling point for the purpose of cleaning or degreasing.

(oo) "Conveyorized vapor degreaser" means any continuous system that transports metallic objects through or over, or through and over, a bath containing organic solvent that is heated to its boiling point for the purpose of cleaning or degreasing.

(pp) "Cutback paving asphalt" means asphalt cement which has been liquefied by blending with a volatile organic compound and which is used for the purpose of paving or repairing, or paving and repairing, a road surface.

(qq) "Cycle of operation," with respect to continuous emission monitoring systems, means the total time a monitoring system requires to sample, analyze, and record an emission measurement.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1985 MR 2, Eff. Feb. 22, 1985; 1989 MR 4, Eff. Apr. 19, 1989; 1990 MR 10, Eff. Nov. 14, 1990; 1993 MR 4, Eff. Apr. 28, 1993; 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 2003 MR 12, Eff. July 1, 2003; 2008 MR 6, Eff. Mar. 28, 2008.

**R 336.1104 Definitions; D.**

Rule 104. As used in these rules:

(a) "Decarbonization period," with respect to coke ovens, means the time for combusting carbon formed at the oven roof and in the standpipe assembly. The decarbonization period commences when a charging-hole lid or lids or a standpipe lid or lids are removed or opened near the end of the coking cycle and ends with the initiation of the next charging period.

(b) "Delivery vessel" means any tank truck, tank-equipped trailer, railroad tank car, or any similar vessel equipped with a storage tank used for the transport of a volatile organic compound from sources of supply to any stationary vessel.

(c) "Demolition waste material" means waste building materials that result from demolition operations on houses and commercial and industrial buildings.

(d) "Department" means the director of the department of environmental quality or his or her designee.

(e) "Difficult-to-monitor component" means a component that can only be monitored by elevating the monitoring personnel more than 6 feet above a support surface.

(f) "Dry organic resin" means the organic resin solids from which all liquids have been removed, as deliverable for sale or use.

(g) "Dispensing facility" means a location where gasoline is transferred to a motor vehicle tank from a stationary vessel.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1989 MR 4, Eff. Apr. 19, 1989; 1993 MR 11, Eff. Nov. 18, 1993; 2000 MR 4, Eff. Apr. 10, 2000; 2002 MR 10, Eff. May 28, 2002; 2008 MR 6, Eff. Mar. 28, 2008.

**R 336.1105 Definitions; E.**

Rule 105. As used in these rules:

(a) "Electrostatic prep coat" means a coating that is applied to a plastic part solely to provide conductivity for the subsequent application of a prime, a topcoat, or other coating through the use of electrostatic application methods. An electrostatic prep coat is clearly identified as an electrostatic prep coat on its accompanying material safety data sheet.

(b) "Emission unit" means any part of a stationary source that emits or has the potential to emit an air contaminant.

Examples of emission units include the following:

(i) A fossil fuel-fired, steam-generating unit.

(ii) A topcoat painting line.

(iii) A solid waste incinerator.

(iv) A clinker cooler at a Portland cement plant.

(v) A process unit at a chemical plant.

(c) "Equipment utilized in the manufacturing of synthesized pharmaceutical products" means equipment associated with the storage, transfer, or manufacturing of pharmaceutical products, including raw materials and intermediate products, by chemical synthesis. This definition does not include equipment associated with the manufacturing of pharmaceutical products by fermentation or extraction, the formulation or packaging of bulk pharmaceuticals, or the processing of waste resulting from pharmaceutical synthesis.

(d) "Equivalent method," with respect to source sampling, means a method or set of procedures for obtaining source samples that has been demonstrated to the department's satisfaction to have a consistent and quantitatively known relationship to an applicable reference test method.

(e) "Excess air" means any air in excess of the amount of air required for complete combustion of a material as determined by using reference test method 3 of appendix A to the department's rules.

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- (f) "Excess emissions" means emissions of an air contaminant in excess of any applicable emission limitation.
  - (g) "External floating roof stationary vessel" means an open top stationary vessel equipped with a cover or roof which rests upon and is supported by the liquid being contained and which has a closure seal or seals to reduce the space between the cover or roof edge and the vessel wall.
  - (h) "Extreme environmental conditions" means any of the following:
    - (i) Outdoor weather.
    - (ii) Temperatures consistently above 95 degrees Celsius (203 degrees Fahrenheit).
    - (iii) Detergents.
    - (iv) Abrasive and scouring agents.
    - (v) Solvents.
    - (vi) Corrosive atmospheres.
    - (vii) Other similar harsh conditions.
  - (i) "Extreme performance coating" means a coating which is designed to protect a coated part from extreme environmental conditions and which is applied to a part that, in its use as a finished product, is intended to be subjected to extreme environmental conditions.
- History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1989 MR 4, Eff. Apr. 19, 1989; 1993 MR 4, Eff. Apr. 28, 1993; 1993 MR 11, Eff. Nov. 18, 1993; 1994 MR 2, Eff. Mar. 31, 1994; 2002 MR 10, Eff. May 28, 2002; 2008 MR 6, Eff. Mar. 28, 2008.

**R 336.1106**

**Source:** 2003 AACS.

**R 336.1107**

**Source:** 2002 AACS.

**R 336.1108**

**Source:** 2002 AACS.

**R 336.1109 Definitions; I.**

Rule 109. As used in these rules:

- (a) "Incinerator" means a device specifically designed for the destruction, by burning, of garbage or other combustible refuse or waste material, or both, in which the products of combustion are emitted into the outer air by passing through a stack or chimney.
  - (b) "Inhalation reference concentration" or "RfC" means a conservative estimate of the daily exposure to the human population, including sensitive subgroups, that is likely to be without appreciable risk of deleterious effect during a lifetime. The inhalation reference concentration is for continuous inhalation exposures and is expressed in units of milligrams per cubic meter (mg/m<sup>3</sup>).
  - (c) "Initial risk screening level" means the concentration of a possible, probable, or known human carcinogen in ambient air which has been calculated for regulatory purposes, according to the risk assessment procedures in R 336.1229(1), to produce an estimated upper-bound lifetime cancer risk of 1 in 1,000,000.
  - (d) "Initial threshold screening level" means a concentration of toxic air contaminant in the ambient air which is used to evaluate noncarcinogenic health effects from a proposed new or modified process and which is calculated, for regulatory purposes, according to the procedures in R 336.1229(2).
  - (e) "Insulation of magnet wire" means the process of coating aluminum or copper electrical wire by application of a nonconductive material, such as varnish or enamel.
- History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1992 MR 4, Eff. Apr. 17, 1992; 2008 MR 6, Eff. Mar. 28, 2008.

**R 336.1112 Definitions; L.**

Rule 112. As used in these rules:

- (a) "Light-duty truck" means any motor vehicle which is rated at not more than 8,500 pounds gross vehicle weight and which is designed primarily for the transportation of property, including pickups, vans, and window vans.
- (b) "Light liquid," as it pertains to R 336.1628, means a liquid that contains 1 or more volatile organic compounds which have vapor pressures of more than 0.04 psia at 20 degrees Centigrade if the total concentration of the pure volatile organic compounds which have vapor pressures of more than 0.04 psia at 20 degrees Centigrade is equal to or greater than 20%, by weight, of the liquid and if the fluid is a liquid at operating conditions.

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- (c) "Limited evidence," a term of art, means either of the following:
- (i) In human epidemiological studies, the data indicate that a causal relationship between the agent and human cancer is credible, but that alternative explanations, such as chance, bias, or confounding variables, could not be adequately excluded.
  - (ii) In animal studies, data suggest a carcinogenic effect, but are limited because of any of the following:
    - (A) The studies involve a single species, strain, or experiment and do not meet criteria for sufficient evidence.
    - (B) The experiments are restricted by any of the following:
      - (1) Inadequate dosage levels.
      - (2) Inadequate duration or exposure to the agent.
      - (3) Inadequate period of follow-up.
      - (4) Poor survival.
      - (5) Too few animals.
      - (6) Inadequate reporting.
    - (C) The data show an increase in the incidence of benign tumors only.
  - (d) "Linearized multistage computer model" means a dose-response model which assumes that there are a number of distinct biological stages or changes that must occur for a normal cell to be transformed into a tumor and which assumes the dose-response relationship to be linear at low doses.
  - (e) "Loading facility" means a location where volatile organic compounds are received from sources of supply and are stored for later delivery to another facility.
- History: 1979 ACS 1, Eff. Jan. 19, 1980; 1989 MR 4, Eff. Apr. 19, 1989; 1990 MR 10, Eff. Nov. 14, 1990; 1992 MR 4, Eff. Apr. 17, 1992; 2008 MR 6, Eff. Mar.28, 2008.

**R 336.1113 Definitions; M.**

Rule 113. As used in these rules:

- (a) "Malfunction" means any sudden, infrequent and not reasonably preventable failure of a source, process, process equipment, or air pollution control equipment to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.
- (b) "Market testing and market development" means the limited or general distribution of a product to the consumer to gather information concerning the demand for the product.
- (c) "Material handling equipment," as referenced in table 31, means a device, contrivance, or equipment used to bag, blend, convey, crush, grind, load, mill, mix, shed, store, transfer, or unload a physical substance.
- (d) "Material recovery equipment" means any equipment utilized in the transport and recovery of styrene monomer and other impurities from other products and by-products in the manufacture of polystyrene resin by continuous process, including the styrene devolatilizer unit and styrene recovery unit.
- (e) "Modify" means making a physical change in, or change in the method of operation of, existing process or process equipment which increases the amount of any air contaminant emitted into the outer air which is not already allowed to be emitted under the conditions of a permit or order or which results in the emission of any toxic air contaminant into the outer air not previously emitted. An increase in the hours of operation or an increase in the production rate up to the maximum capacity of the process or process equipment shall not be considered to be a change in the method of operation unless the process or process equipment is subject to enforceable permit conditions or enforceable orders which limit the production rate or the hours of operation, or both, to a level below the proposed increase.
- (f) "Motor vehicle" means any self-propelled vehicle registered for, or requiring registration for, use on the highway.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1989 MR 4, Eff. Apr. 19, 1989; 1990 MR 10, Eff. Nov. 14, 1990; 1992 MR 4, Eff. Apr. 17, 1992; 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 2002 MR 10, Eff. May 28, 2002; 2008 MR 6, Eff. Mar. 28, 2008.

**R 336.1114 Definitions; N.**

Rule 114. As used in these rules:

- (a) "Natural finish hardwood plywood panel" means a panel that has its original grain pattern enhanced by essentially transparent finishes frequently supplemented by fillers and toners.
- (b) "Natural gas processing plant" means a stationary source where the extraction of natural gas liquids from field gas or the fractionation of the liquids into natural gas products, such as ethane, propane, butane, and natural gasoline, takes place.
- (c) "Natural gas process unit" means process equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A natural gas process unit may operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.
- (d) "Nearby" means, with respect to good engineering practice design stack heights, a distance of up to 5 times the lesser of



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the height or the width dimension of a structure, but not more than 0.8 kilometers (0.5 miles). The height of the structure is measured from the ground level elevation at the base of the stack.

(e) "Nonattainment area" means an area designated as not having attained full compliance with any national ambient air quality standard pursuant to section 107(D) of the clean air act. Such designation shall be air contaminant specific and shall not mean that an area is a nonattainment area for any other air contaminant unless so specified. The department shall maintain a list of designated nonattainment areas and shall update the list when air quality monitoring or modeling data warrant. For certain air contaminants, nonattainment areas are classified for the purposes of applying an attainment date, or for other purposes, in accordance with procedures established pursuant to the clean air act, as amended, 42 U.S.C. §7401 et seq. For ozone nonattainment areas, classifications have been established as follows:

- (i) Nonclassifiable.
- (ii) Marginal.
- (iii) Moderate.
- (iv) Serious.
- (v) Severe.
- (vi) Extreme.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1989 MR 4, Eff. Apr. 19, 1989; 1989 MR 4, Eff. Apr. 20, 1989; 1990 MR 10, Eff. Nov. 14, 1990; 1993 MR 11, Eff. Nov. 18, 1993; 2003 MR 12, July 1, 2003; 2008 MR 6, Eff. Mar. 28, 2008.

**R 336.1115**

**Source:** 1992 AACS.

**R 336.1116**

**Source:** 2003 AACS.

**R 336.1118**

**Source:** 2003 AACS.

**R 336.1119**

**Source:** 2003 AACS.

**R 336.1120**

**Source:** 2002 AACS.

**R 336.1121**

**Source:** 1989 AACS.

**R 336.1122 Definitions; V.**

Rule 122. As used in these rules:

- (a) "Vacuum-metalizing coatings" means topcoats and basecoats that are used in the vacuum-metalizing process.
- (b) "Vacuum-producing system" means any device that creates a pressure below atmospheric, such as a pump or steam ejector with condenser, including hot wells and accumulators.
- (c) "Vapor collection system," as it pertains to R 336.1627, means all piping, seals, hoses, connections, pressure-vacuum vents, and any other equipment between and including the delivery vessel and a stationary vessel, vapor processing unit, or vapor holder.
- (d) "Very large precipitator" means an electrostatic precipitator that has a specific plate collection area of 600 square feet or more per 1,000 actual cubic feet per minute gas flow.
- (e) "Visible emission" means any emissions that are visually detectable without the aid of instruments.
- (f) "Volatile organic compound" means any compound of carbon or mixture of compounds of carbon that participates in photochemical reactions, excluding the following materials, all of which have been determined by the United States environmental protection agency to have negligible photochemical reactivity:
  - (i) Carbon monoxide.
  - (ii) Carbon dioxide.
  - (iii) Carbonic acid.
  - (iv) Metallic carbides or carbonates.
  - (v) Boron carbide.
  - (vi) Silicon carbide.

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- (vii) Ammonium carbonate.
- (viii) Ammonium bicarbonate.
- (ix) Methane.
- (x) Ethane.
- (xi) The methyl chloroform portion of commercial grades of methyl chloroform, if all of the following provisions are complied with:
  - (A) The commercial grade of methyl chloroform is used only in a surface coating or coating line that is subject to the requirements of part 6 or 7 of these rules.
  - (B) The commercial grade of methyl chloroform contains no stabilizers other than those listed in table 11.
  - (C) Compliance with the applicable limits specified in part 6 or 7 of these rules is otherwise not technically or economically reasonable.
  - (D) All measures to reduce the levels of all organic solvents, including the commercial grade of methyl chloroform, from the surface coating or coating line to the lowest reasonable level will be implemented.
  - (E) The emissions of the commercial grade of methyl chloroform do not result in a maximum ambient air concentration exceeding any of the allowable ambient air concentrations listed in table 11.
  - (F) The use of the commercial grade of methyl chloroform is specifically identified and allowed by a permit to install, permit to operate, or order of the department.
  - (G) Table 11 reads as follows:

TABLE 11

Commercial grade of methyl chloroform --  
allowable ambient air concentrations

Compound	Ppm <sup>1</sup>	Time <sup>2</sup>
Methyl chloroform	3.5	1 hour
Tertiary butyl alcohol <sup>3</sup>	1.0	1 hour
Secondary butyl alcohol <sup>3</sup>	1.0	1 hour
Methylal <sup>3</sup>	10.0	1 hour
1,2-butylene oxide <sup>3</sup>	0.028 and 0.00041	1 hour  annual

- 1. Parts per million, by volume
- 2. Averaging time period
- 3. This compound is a stabilizer

- (xii) The methyl chloroform portion of commercial grades of methyl chloroform that contain any other stabilizer not listed in table 11 of this rule, if all of the following provisions are complied with:
  - (A) The commercial grade of methyl chloroform is used only in a surface coating or coating line that is subject to the requirements of part 6 or 7 of these rules.
  - (B) Compliance with the applicable limits specified in part 6 or 7 of these rules is otherwise not technically or economically reasonable.
  - (C) All measures to reduce the levels of all organic solvents, including the commercial grade of methyl chloroform, from the surface coating or coating line to the lowest reasonable level will be implemented.
  - (D) The emissions of any compound in the commercial grade of methyl chloroform that is listed in table 11 of this rule do not result in a maximum ambient air concentration exceeding any of the allowable ambient air concentrations listed in table 11.
  - (E) The emission of all compounds in the commercial grade of methyl chloroform that are not listed in table 11 is demonstrated to comply with R 336.1901.
  - (F) The use of the commercial grade of methyl chloroform is specifically identified and allowed by a permit to install, permit to operate, or order of the department.
- (xiii) Acetone.

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- (xiv) Cyclic, branched, or linear completely methylated siloxanes.
  - (xv) Parachlorobenzotrifluoride.
  - (xvi) Perchloroethylene.
  - (xvii) Trichlorofluoromethane (CFC-11).
  - (xviii) Dichlorodifluoromethane (CFC-12).
  - (xix) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113).
  - (xx) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114).
  - (xxi) Chloropentafluoroethane (CFC-115).
  - (xxii) 1,1-dichloro 1-fluoroethane (HCFC-141b).
  - (xxiii) 1,1-chloro 1,1-difluoroethane (HCFC-142b).
  - (xxiv) Chlorodifluoromethane (HCFC-22).
  - (xxv) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123).
  - (xxvi) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124).
  - (xxvii) Trifluoromethane (HFC-23).
  - (xxviii) Pentafluoroethane (HFC-125).
  - (xxix) 1,1,2,2-tetrafluoroethane (HFC-134).
  - (xxx) 1,1,1,2-tetrafluoroethane (HFC-134a).
  - (xxxi) 1,1,1-trifluoroethane (HFC-143a).
  - (xxxii) 1,1-difluoroethane (HFC-152a).
  - (xxxiii) 3,3-dichloro-1, 1,1,2,2-pentafluoropropane (HCFC-225ca).
  - (xxxiv) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb).
  - (xxxv) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee).
  - (xxxvi) Difluoromethane (HFC-32).
  - (xxxvii) Ethyl fluoride (HFC-161).
  - (xxxviii) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa).
  - (xxxix) 1,1,2,2,3-pentafluoropropane (HFC-245ca).
  - (xl) 1,1,2,3,3- pentafluoropropane ( HFC-245ea).
  - (xli) 1,1,1,2,3- pentafluoropropane (HFC-245eb).
  - (xlii) 1,1,1,3,3- pentafluoropropane (HFC-245fa).
  - (xliii) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea).
  - (xliv) 1,1,1,3,3-pentafluorobutane (HFC365mfc).
  - (xlv) Chlorofluoromethane (HCFC-31).
  - (xlvi) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a).
  - (xlvii) 1-chlor-1-fluoroethane (HCFC-151a).
  - (xlviii) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ( $C_4F_9OCH_3$  or HFE-7100).
  - (xlix) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane.
  - (l) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ( $C_4F_9OC_2H_5$  or HFE-7200).
  - (li) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane.
  - (lii) Methyl acetate.
  - (liii) Perfluorocarbon compounds that fall into the following classes:
    - (A) Cyclic, branched, or linear, completely fluorinated alkanes.
    - (B) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.
    - (C) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
    - (D) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
  - (liv) Methylene chloride.
  - (lv) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane ( $n-C_3F_7OCH_3$ , HFE-7000).
  - (lvi) 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500).
  - (lvii) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea).
  - (lviii) Methyl formate ( $HCOOCH_3$ ).
  - (lix) T-butyl acetate is not a volatile organic compound for purposes of volatile organic compound emissions limitations or volatile organic compound content requirements but is a volatile organic compound for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements, which apply to volatile organic compounds and shall be uniquely identified in emission reports.
- The methods described in R 336.2004 and R 336.2040 shall be used for measuring volatile organic compounds for purposes of determining compliance with emission limits. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-photochemical reactive compounds may be excluded as volatile organic

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compounds if the amount of such compounds is accurately quantified and such exclusion is approved by the department.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1985 MR 2, Eff. Feb. 22, 1985; 1988 MR 5, Eff. May 20, 1988; 1989 MR 4, Eff. Apr. 19, 1989; 1993 MR 4, Eff. Apr. 28, 1993; 1997 MR 5, Eff. June 15, 1997; 2003 MR 12, Eff. July 1, 2003; 2008 MR 6, Eff. Mar. 28, 2008.

**R 336.1123**

**Source:** 1995 AACS.

**R 336.1127**

**Source:** 1980 AACS.

**R 336.1128**

**Source:** 1980 AACS.

**PART 2. AIR USE APPROVAL**

**R 336.1201 Permits to install.**

Rule 201. (1) Except as allowed in R 336.1202, R 336.1277 to R 336.1290, or R 336.2823(15) a person shall not install, construct, reconstruct, relocate, or modify any process or process equipment, including control equipment pertaining thereto, which may emit any of the following, unless a permit to install which authorizes such action is issued by the department:

(a) Any air pollutant regulated by title I of the clean air act and its associated rules, including 40 C.F.R. §§51.165 and 51.166, adopted by reference in R 336.1299.

(b) Any air contaminant.

A person who plans to install, construct, reconstruct, relocate, or modify any such process or process equipment shall apply to the department for a permit to install on an application form approved by the department and shall provide the information required in R 336.1203.

(2) The department may issue a permit to install for any of the following reasons:

(a) To authorize a person to install, construct, reconstruct, relocate, or modify a process or process equipment pursuant to subrule (1)(a) of this rule.

(b) To establish limits on potential to emit. The limits shall comply with the provisions of R 336.1205(1)(a).

(c) To consolidate terms and conditions from existing permits to install within a renewable operating permit pursuant to R 336.1214a.

(d) To authorize a person to install, construct, reconstruct, relocate, or modify process or process equipment solely pursuant to subrule (1)(b) of this rule or to consolidate state-only enforceable conditions within a renewable operating permit when the renewable operating permit is issued pursuant to R 336.1214. This permit may establish terms and conditions that are legally enforceable solely pursuant to R 336.1224 to R 336.1232, R 336.1901, or other regulations that are not federally enforceable. Each condition in a permit issued pursuant to this subrule shall be identified as state-only enforceable.

(3) A permit to install may be approved subject to any condition, specified in writing, that is reasonably necessary to assure compliance with all applicable requirements.

(4) If a person decides not to install, construct, reconstruct, relocate, or modify the process or process equipment as authorized by a permit to install, then the person, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, and upon receipt of the notification by the department, the permit to install shall become void. If the installation, reconstruction, or relocation of the equipment, for which a permit has been issued, has not commenced within, or has been interrupted for, 18 months, then the permit to install shall become void, unless otherwise authorized by the department as a condition of the permit to install.

(5) Upon issuance of a permit to install, the emissions from the process or process equipment allowed by the permit to install shall be included in the potential to emit of the stationary source. Upon the physical removal of the process or process equipment, or upon a determination by the department that the process or process equipment has been permanently shut down, the permit to install shall become void and the emissions allowed by the permit to install shall no longer be included in the potential to emit of the stationary source.

(6) Except as provided in subrule (8) of this rule and R 336.1216, operation of the process or process equipment is allowed by the permit to install. The department may void a permit to install upon any of the following actions:

(a) A new permit to install authorizing the action is approved by the department in accordance with subrule (2)(a), (b), or (d) of this rule, and the new permit to install renders all portions of the old permit obsolete.

(b) All terms and conditions of the permit to install are incorporated into a renewable operating permit, in accordance with the provisions of R 336.1212(5) and R 336.1213, and a source-wide permit to install is issued pursuant to R 336.1214a.

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(c) All of the emission units, processes, or process equipment covered by the permit to install are physically removed from the stationary source or the department makes a determination that the emission units, processes, or process equipment covered by the permit to install have been permanently shut down.

(7) The department may require 1 or both of the following notification requirements as a condition of a permit to install:

(a) Not more than 30 days after completion of the installation, construction, reconstruction, relocation, or modification authorized by the permit to install, unless a different period is specified in the permit to install, the person to whom the permit to install was issued, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, of the completion of the activity. Completion of the installation, construction, reconstruction, relocation, or modification is considered to occur not later than commencement of trial operation of the process or process equipment.

(b) Within 12 months after completion of the installation, construction, reconstruction, relocation, or modification authorized by the permit to install, or 18 months after the effective date of this rule, whichever is later, unless a different period is specified in the permit to install, the person to whom the permit to install was issued, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, of the status of compliance of the process or process equipment with the terms and conditions of the permit to install. The notification shall include all of the following:

(i) The results of all testing, monitoring, and recordkeeping performed by the stationary source to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.

(ii) A schedule of compliance for the process or process equipment.

(iii) A statement, signed by the person owning or operating the process or process equipment, that, based on information and belief formed after reasonable inquiry, the statements and information in the notification are true, accurate, and complete.

(8) If evidence indicates that the process or process equipment is not performing in accordance with the terms and conditions of the permit to install, the department, after notice and opportunity for a hearing, may revoke the permit to install consistent with section 5510 of the act. Upon revocation of the permit to install, operation of the process or process equipment shall be terminated. Revocation of a permit to install is without prejudice and a person may file a new application for a permit to install that addresses the reasons for the revocation.

History: 1980 AACs; 1992 AACs; 1995 AACs; 1996 AACs; 2003 AACs; 2008 MR 12, Eff. June 20, 2008.

**R 336.1201a**

**Source:** 2003 AACs.

**R 336.1202 Waivers of approval.**

Rule 202. (1) If the requirement for approval of a permit to install before construction will create an undue hardship to the applicant, the applicant may request a waiver to proceed with construction from the department. The application for a waiver shall be in writing, shall explain the circumstances that will cause the undue hardship, and shall be signed by the owner or his or her authorized agent. The application shall be acted upon by the department within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon as is reasonably practical. The applicant, after a waiver is granted, shall proceed with the construction at his or her own risk; however, operation of the equipment shall not be authorized until the application for a permit to install has been approved by the department. After construction, modification, relocation, or installation has begun or been completed, if the plans, specifications, and completed installations do not meet department approval, then the application for a permit to install shall be denied, unless the alterations required to effect approval are made within a reasonable time as specified by the department.

(2) The provisions of subrule (1) of this rule shall not apply to any of the following:

(a) Any activity that is subject to R 336.2802, prevention of significant deterioration regulations, or R 336.2902, nonattainment new source review regulations.

(b) Construction or reconstruction of a major source of hazardous air pollutants as defined in and subject to, national emission standards for hazardous air pollutants for source categories.

(c) Construction or modification as defined in and subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants, adopted by reference in R 336.1299.

For the purpose of this subrule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

History: 1980 AACs; 2003 AACs; 2008 MR 12, Eff. June 20, 2008.

**R 336.1203**

**Source:** 2003 AACs.

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**R 336.1204**

**Source:** 2003 AACS.

**R 336.1205 Permit to install; approval.**

Rule 205. (1) The department shall not approve a permit to install for a stationary source, process, or process equipment that meets the definition of a major stationary source or major modification under any part of these rules unless the requirements specified in subdivisions (a) and (b) of this subrule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit from a stationary source, process, or process equipment to a quantity below that which would constitute a major source or major modification under any part of these rules unless both of the following requirements have been met:

(a) The permit to install contains emission limits that are enforceable as a practical matter. An emission limit restricts the amount of an air contaminant that may be emitted over some time period. The time period shall be set in accordance with the applicable requirements and, unless a different time period is provided by the applicable requirement, should generally not be more than 1 month, unless a longer time period is approved by the department. A longer time period may be used if it is a rolling time period, but shall not be more than an annual time period rolled on a monthly basis. If the emission limit does not reflect the maximum emissions of the process or process equipment operating at full design capacity without air pollution control equipment, then the permit shall contain 1 of the following:

(i) A production limit which restricts the amount of final product that may be produced over the same time period used in the emission limit and which comports with the true design and intended operation of the process or process equipment.

(ii) An operational limit which restricts the way the process or process equipment is operated and which comports with the true design and intended operation of the process or process equipment. An operational limit may include conditions specifying any of the following:

(A) The installation, operation, and maintenance of air pollution control equipment.

(B) The hours of operation of the stationary source, process, or process equipment, if the hours are less than continuous.

(C) The amount or type of raw materials used by the stationary source, process, or process equipment.

(D) The amount or type of fuel combusted by the stationary source, process, or process equipment.

(E) The installation, operation, and maintenance of a continuous gas flow meter and a continuous emission monitor for the air contaminant for which an enforceable emission limit is required.

(iii) For volatile organic compound surface coating operations where an add-on control is not employed, an emission or usage limit coupled with a requirement to calculate or demonstrate daily compliance.

(b) A draft permit has been subjected to the public participation process specified in section 5511(3) of the act. The department shall provide a copy of the draft permit to the United States environmental protection agency for review and comment at or before the start of the public comment period. The department shall also provide a copy of each final permit to install issued pursuant to this rule to the United States environmental protection agency.

(2) The department shall not approve a permit to install to construct a major source or reconstruct a major source under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major source or modification under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met.

(3) The department may approve a permit to install that includes limitations which restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major source or major modification under any part of these rules without meeting the requirement of subrule (1)(b) of this rule if the emission limitations restrict the potential to emit of the stationary source, process, or process equipment to less than 90% of the quantity referenced in the applicable requirement.

History: 1995 AACS; 1996 AACS; 1998 AACS; 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1206**

**Source:** 2003 AACS.

**R 336.1207 Denial of permits to install.**

Rule 207. (1) The department shall deny an application for a permit to install if, in the judgment of the department, any of the following conditions exist:

(a) The equipment for which the permit is sought will not operate in compliance with the rules of the department or state law.

(b) Operation of the equipment for which the permit is sought will interfere with the attainment or maintenance of the air

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quality standard for any air contaminant.

(c) The equipment for which the permit is sought will violate the applicable requirements of the clean air act, as amended, 42 U.S.C. §7401 et seq., including any of the following:

- (i) The standards of performance for stationary sources, 40 C.F.R. part 60, adopted by reference in R 336.1299.
- (ii) The national emission standards for hazardous air pollutants, 40 C.F.R. part 61, adopted by reference in R 336.1299.
- (iii) The requirements of prevention of significant deterioration of air quality, R 336.2801 to R 336.2819 and R 336.2823.
- (iv) The requirements of nonattainment new source review, R 336.2901 to R 336.2903, R 336.2907, and R 336.2908.
- (v) The requirements for control technology determinations for major sources in accordance with 40 C.F.R. §63.40 to §63.44 and §63.50 to §63.56, adopted by reference in R 336.1299.

(d) Sufficient information has not been submitted by the applicant to enable the department to make reasonable judgments as required by subdivisions (a) to (c) of this subrule.

(2) When an application is denied, the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the applicant's right to a hearing pursuant to section 5505(8) of the act or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

History: 1980 AACS; 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1208**

**Source:** 1997 AACS.

**R 336.1208a**

**Source:** 1996 AACS.

**R 336.1209**

**Source:** 1995 AACS.

**R 336.1210**

**Source:** 2001 AACS.

**R 336.1211 Renewable operating permit applicability.**

Rule 211. (1) All of the following stationary sources are subject to the requirements of R 336.1210 to obtain, and only operate in compliance with, a renewable operating permit:

(a) Major sources as defined by any of the following criteria:

(i) A major source under section 112 of the clean air act, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits, or has the potential to emit, in the aggregate, any of the following:

(A) Ten tons per year of any hazardous air pollutant that has been listed under section 112(b) of the clean air act.

(B) Twenty-five tons per year of any combination of hazardous air pollutants that have been listed under section 112(b) of the clean air act.

(C) A lesser quantity as the administrator of the United States environmental protection agency may establish by rule for any hazardous air pollutant listed under section 112(b) of the clean air act. The department shall maintain, and make available upon request, a list of the hazardous air pollutants for which a lesser quantity criteria has been established.

Emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources under this paragraph. For the purpose of this paragraph, the potential to emit of a stationary source for hazardous air pollutants includes fugitive emissions, regardless of the category of the stationary source.

(ii) A stationary source that directly emits, or has the potential to emit, 100 tons per year or more of any of the following:

(A) Lead.

(B) Sulfur dioxide.

(C) Nitrogen oxides.

(D) Carbon monoxide.

(E) PM-10.

(F) Ozone.

(G) Volatile organic compounds.

(H) Any air contaminant regulated under section 111 of title I of the clean air act.

(I) Any class I and class II substances under title VI of the clean air act.

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For the purpose of this paragraph, the fugitive emissions of a stationary source shall not be considered in determining whether the stationary source is a major source, unless the stationary source belongs to 1 of the categories listed in the definition of potential to emit in R 336.1116.

(iii) A major stationary source, as defined in part d of title I of the clean air act and R 336.2901(t), including, for ozone nonattainment areas, stationary sources that have the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as marginal or moderate.

(b) Any affected source as defined in section 402 of the clean air act.

(c) Any solid waste incineration unit, as defined in section 129(g) of the clean air act, that is required to obtain a renewable operating permit under section 129(e) of the clean air act.

(d) Any municipal solid waste landfill that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters.

(e) Any Portland cement plant subject to 40 C.F.R. part 63, subpart LLL, national emission standards for hazardous air pollutants from the Portland cement manufacturing industry, adopted by reference in R 336.1299, including both of the following:

(i) Each kiln and each in-line kiln/raw mill at any Portland cement plant, including alkali bypasses, except for kilns and in-line kiln/raw mills that burn hazardous waste and are subject to and regulated under 40 C.F.R. part 63, subpart EEE, national emission standards for hazardous air pollutants from hazardous waste combustors, adopted by reference in R 336.1299.

(ii) Each Greenfield raw material dryer.

(f) Any stationary source in a source category designated by the administrator of the United States environmental protection agency under 40 C.F.R. §70.3, adopted by reference in R 336.1299.

(2) For the purposes of determining the applicability of R 336.1210, the potential to emit of a stationary source shall be the sum of the potential to emit of all process and process equipment located at the stationary source.

(3) The following stationary sources are exempted from the obligation to obtain a renewable operating permit under R 336.1210:

(a) All stationary sources and source categories for which the person owning or operating the stationary source would be required to obtain a permit solely because the stationary source is subject to 40 C.F.R. part 60, subpart AAA, standards of performance for new residential wood heaters, adopted by reference in R 336.1299.

(b) All stationary sources and source categories for which the person owning or operating the stationary source would be required to obtain a permit solely because the stationary source is subject to 40 C.F.R. part 61, subpart M, national emission standard for hazardous air pollutants for asbestos, and §61.145, standard for demolition and renovation, adopted by reference in R 336.1299.

History: 1995 AACS; 1996 AACS; 1998-2000 AACS; 2001 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1212**

**Source:** 2003 AACS.

**R 336.1213 Content of renewable operating permit.**

Rule 213. (1) Each renewable operating permit shall include all of the following general provisions:

(a) A person shall comply with all conditions of the renewable operating permit. Any permit noncompliance constitutes a violation of the act and is grounds for enforcement action, for permit revocation or revision, or for denial of the renewal of a renewable operating permit. All terms and conditions of a renewable operating permit that are designated in the permit as federally enforceable pursuant to subrule (5) of this rule, are enforceable by the administrator of the United States environmental protection agency and by citizens under the provisions of the clean air act.

(b) It shall not be a defense for a person in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(c) The renewable operating permit may be modified, revised, or revoked for cause. The filing of a request by a person for a permit modification, revision, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. This does not supersede or affect the ability of a person to make changes, at the person's own risk, pursuant to R 336.1215 and R 336.1216.

(d) A person shall allow the department or an authorized representative of the department, upon presentation of credentials and other documents as may be required by law and upon stating the authority for and purpose of the investigation, to perform any of the following activities:

(i) Enter, at reasonable times, a stationary source or other premises where emissions-related activity is conducted or where records must be kept under the conditions of the permit.

(ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

(iii) Inspect, at reasonable times, any of the following:



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- (A) Any stationary source.
- (B) Any emission unit.
- (C) Any equipment, including monitoring and air pollution control equipment.
- (D) Any work practices or operations regulated or required under the renewable operating permit.
- (iv) As authorized by section 5526 of the act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (e) A person shall furnish to the department, within a reasonable time, any information that the department may request, in writing, to determine whether cause exists for modifying, revising, or revoking the permit or to determine compliance with the permit. Upon request, a person shall also furnish to the department copies of any records that are required to be kept as a term or condition of the renewable operating permit. For information which is claimed by the person to be confidential, consistent with the requirements of 1976 PA 442, MCL 15.231, and known as the freedom of information act, the person may also be required to furnish the records directly to the United States environmental protection agency together with a claim of confidentiality.
- (f) A challenge by any person, the administrator of the United States environmental protection agency, or the department to a particular condition or a part of a renewable operating permit shall not set aside, delay, stay, or in any way affect the applicability or enforceability of any other condition or part of the renewable operating permit.
- (g) A person shall pay fees consistent with the fee schedule and requirements pursuant to section 5522 of the act.
- (h) The renewable operating permit does not convey any property rights or any exclusive privilege.
- (i) Federally enforceable permit to install terms and conditions incorporated into the renewable operating permit are identified within the renewable operating permit as being established pursuant to R 336.1201.
- (2) Each renewable operating permit shall contain emission limits and standards, including operational requirements and limits that ensure compliance with all applicable requirements at the time of permit issuance. In addition, each renewable operating permit may contain additional limits agreeable to both the applicant and the department, provided that these limits are not contrary to R 336.1213 or the clean air act. The following provisions apply to emission limits and standards:
  - (a) The renewable operating permit shall specify and reference the underlying applicable requirement for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
  - (b) The renewable operating permit shall state that, where an applicable requirement is more stringent than an applicable requirement of regulations promulgated for affected sources under title IV of the clean air act, both provisions shall be incorporated into the permit.
  - (c) If the state implementation plan allows for an alternative emission limit that is equivalent to the limit contained in the state implementation plan, any renewable operating permit containing the equivalent alternative emission limit shall contain terms and conditions to ensure that any such emission limit is quantifiable, accountable, enforceable, and based on replicable procedures.
  - (d) Any term or condition established as a limit on the potential to emit of the stationary source shall be consistent with the requirements of R 336.1205(1)(a). For each such limit on the potential to emit of the stationary source, the permit shall specify and reference any requirements that would otherwise be applicable to the source or emission unit.
- (3) The renewable operating permit shall contain terms and conditions necessary to ensure that sufficient testing, monitoring, recordkeeping, reporting, and compliance evaluation activities will be conducted to determine the status of compliance of the stationary source with the emission limitations and standards contained in the renewable operating permit. The following provisions apply to testing, monitoring, recordkeeping, reporting, and compliance evaluation activities:
  - (a) With respect to testing and monitoring, each renewable operating permit shall contain terms and conditions necessary to ensure compliance with all of the following:
    - (i) The use of all emissions monitoring and analysis procedures or test methods required by the applicable requirements, including 40 C.F.R. part 64 and any other procedures and methods promulgated pursuant to sections 504(b) or 114(a)(3) of the clean air act. Title 40 C.F.R. part 64 is adopted by reference in R 336.1299. If more than 1 monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing requirements, provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that were not included in the permit as a result of such streamlining.
    - (ii) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, which may consist of recordkeeping designed to serve as monitoring, the use of periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the stationary source's compliance with the permit, as reported pursuant to subrule (3)(c) of this rule. The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions shall be sufficient to meet the requirements of subrule (3)(b) of this rule.
    - (iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring

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equipment or methods.

(b) With respect to recordkeeping, each renewable operating permit shall contain terms and conditions necessary to ensure compliance with the recordkeeping requirements specified in the applicable requirements. Each renewable operating permit shall also contain terms and conditions that require, where appropriate, both of the following:

(i) Records of any periodic emission or parametric monitoring that include all of the following information:

(A) The date, location, time, and method of sampling or measurements.

(B) The dates analyses of the samples were performed.

(C) The company or entity that performed the analyses of the samples.

(D) The analytical techniques or methods used.

(E) The results of the analyses.

(F) The related operating conditions or parameters that existed at the time of sampling or measurement.

(ii) Retention of records of all required monitoring data and support information for a period of not less than 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings, or other original data records, for continuous monitoring instrumentation and copies of all reports required by the renewable operating permit.

(c) With respect to reporting and the certification of reports, each renewable operating permit shall contain terms and conditions necessary to insure compliance with the reporting requirements specified in the applicable requirements. Except as provided subdivision (iii)(B) of this subdivision, any document, including reports, required to be submitted to the department as a term or condition of a renewable operating permit shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Each renewable operating permit shall also contain terms and conditions for all of the following:

(i) The submittal of reports of any required monitoring at least once every 6 months. All instances of deviations from permit requirements during the reporting period shall be clearly identified in the reports. Each report submitted pursuant to this subdivision shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

(ii) The prompt reporting of deviations from permit requirements. Prompt reporting shall be defined as follows, unless otherwise provided in the renewable operating permit:

(A) For deviations that exceed the emissions allowed under the renewable operating permit, prompt reporting means reporting consistent with the requirements of R 336.1912. All reports submitted pursuant to this paragraph shall be promptly certified as specified in paragraph (iii) of this subdivision.

(B) For deviations which exceed the emissions allowed under the renewable operation permit and which are not reported pursuant to R 336.1912 due to the duration of the deviation, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe reasons for each deviation and the actions taken to minimize or correct each deviation.

(C) For deviations that do not exceed the emissions allowed under the renewable operating permit, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe the reasons for each deviation and the actions taken to minimize or correct each deviation.

(iii) For reports required pursuant to paragraph (ii) of this subdivision, prompt certification of the reports means either of the following:

(A) Submitting a certification by a responsible official with each report which states that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

(B) Submitting, within 30 days following the end of a calendar month during which 1 or more prompt reports of deviations from the emissions allowed under the permit were submitted to the department pursuant to paragraph (ii) of this subdivision, a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information contained in each of the reports submitted during the previous month were true, accurate, and complete. The certification shall include a listing of the reports that are being certified. Any report submitted pursuant to paragraph (ii) of this subdivision that will be certified on a monthly basis pursuant to this paragraph shall include a statement that certification of the report will be provided within 30 days following the end of the calendar month.

(4) With respect to compliance, each renewable operating permit shall contain terms and conditions necessary to ensure each of the following:

(a) Incorporation into the renewable operating permit of a schedule of compliance.

(b) For a stationary source that is not in compliance with all applicable requirements at the time of issuance of a renewable operating permit, the submission of progress reports to the department, consistent with an applicable schedule of compliance, at least semiannually or more frequently if specified in an applicable requirement or by the department in the permit. Progress reports shall contain the information specified in both of the following provisions:

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- (i) The date or dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and the date or dates when the activities, milestones, or compliance were achieved.
- (ii) An explanation of why any dates in the schedule of compliance were not or will not be met and a description of any preventive or corrective measures adopted.
- (c) A requirement that, at least annually, or more frequently if specified in an applicable requirement or by the department in the renewable operating permit, the responsible official shall certify, in writing, to the department and to the United States environmental protection agency, that the stationary source is and has been in compliance with all terms and conditions contained in the renewable operating permit, except for any deviations from compliance that have been or are being reported to the department. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. Each certification of compliance shall include all of the following information:
  - (i) The identification of each term or condition of the permit that is the basis of the certification.
  - (ii) The compliance status of the stationary source with respect to each identified term or condition.
  - (iii) Whether compliance was continuous or intermittent.
  - (iv) The methods used for determining the compliance status of the stationary source, currently and over the reporting period consistent with subrules (3)(a), (b), and (c) of this rule.
  - (v) Other facts as the department may require in the permit that are necessary to determine the compliance status of the stationary source.
- (5) Each renewable operating permit shall provide for the following:
  - (a) Each renewable operating permit shall specifically designate as not being enforceable under the clean air act any terms and conditions included in the permit that are not required under the clean air act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements for review by the United States environmental protection agency or affected states under R 336.1214.
  - (b) Each renewable operating permit shall specifically designate each federally enforceable applicable requirement previously established in a permit to install pursuant to R 336.1201.
- (6) Both of the following provisions apply to permit shields:
  - (a) Except as provided in subdivision (b) of this subrule, each renewable operating permit shall include a permit shield provision stating that compliance with the conditions of the permit shall be considered compliance with any applicable requirements as of the date of permit issuance, if either of the following provisions is satisfied:
    - (i) The applicable requirements are included and are specifically identified in the permit.
    - (ii) The permit includes a determination or a concise summary of the determination by the department that other specifically identified requirements are not applicable to the stationary source.
  - (b) Nothing in this subrule or in any renewable operating permit shall alter or affect any of the following:
    - (i) The provisions of section 303 of the clean air act, emergency orders, including the authority of the administrator of the United States environmental protection agency under that section.
    - (ii) The liability of an owner or operator of a stationary source for any violation of applicable requirements before or at the time of permit issuance.
    - (iii) The applicable requirements of the acid rain program, consistent with section 408(a) of the clean air act.
    - (iv) The ability of the United States environmental protection agency to obtain information from a stationary source pursuant to section 114 of the clean air act.
- (7) Each renewable operating permit shall be issued for a fixed term of not more than 5 years. Renewable operating permits that have terms of less than 5 years may be issued with the agreement of the department and the permit applicant. The terms and conditions of a renewable operating permit for affected sources under title IV of the clean air act that address the requirements of title IV shall be issued for a term of 5 years. The date of expiration of the renewable operating permit shall be specified in the permit.
- (8) A renewable operating permit shall include terms and conditions that allow a stationary source to switch its operation between reasonably anticipated operating scenarios if the scenarios have been identified by the stationary source in its application and found to be approvable by the department. The terms and conditions shall provide for all of the following:
  - (a) Require the stationary source, contemporaneously with making a change from one operating scenario to another, to record, in a log at the stationary source, a record of the scenario under which the source is operating.
  - (b) Extend the permit shield described in subrule (6) of this rule to all terms and conditions under each approved operating scenario.
  - (c) Ensure that the terms and conditions of each approved alternative scenario meet all applicable requirements.
- (9) A renewable operating permit shall include terms and conditions for the trading of emissions increases and decreases among process emission units within the stationary source solely for the purpose of complying with an emissions cap that is established in the permit independent of otherwise applicable requirements, if the terms and conditions have been requested

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by a person in an application for a renewable operating permit. If a person wishes to include the terms and conditions in a renewable operating permit, the permit application shall include proposed replicable procedures and permit terms that the person believes ensure the emissions trades are quantifiable and enforceable. The terms and conditions shall include those necessary to meet the requirements of subrules (2) to (4) of this rule. The department shall not be required to include in the emissions trading provisions any emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Both of the following provisions apply to the trading of emissions increases and decreases among emission units solely for the purpose of complying with an emissions cap:

(a) A written notification to the department and the United States environmental protection agency is required 7 days in advance of any emissions trade under this subrule. The notice shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(b) The permit shield described in subrule (6) of this rule shall extend to terms and conditions that allow the increases and decreases in emissions.

(10) In addition to the other requirements of this rule, each renewable operating permit for an affected source under title iv of the clean air act shall include a permit condition prohibiting emissions exceeding any allowances that an affected source lawfully holds as of the allowance transfer deadline pursuant to the federal acid rain program, adopted by reference in R 336.1299. All of the following apply to allowances:

(a) A permit revision shall not be required for increases in emissions that are authorized by allowances acquired pursuant to title IV of the clean air act if the increases do not require a permit revision under any other applicable requirement.

(b) A limit shall not be placed on the number of allowances held by the affected source. The affected source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(c) Any allowance shall be accounted for according to the procedures established in regulations promulgated under title IV of the clean air act.

(11) A renewable operating permit for a temporary source may authorize emissions from a stationary source at multiple temporary locations. An affected source under title IV of the clean air act shall not be permitted as a temporary source. In addition to the other requirements of this rule, permits for temporary sources shall include all of the following provisions:

(a) Conditions that will assure compliance with all applicable requirements at all authorized locations.

(b) Requirements that the owner or operator notify the department not less than 10 days in advance of each change in location.

(c) Conditions that assure compliance with all other provisions of this rule.

(12) A renewable operating permit shall contain terms and conditions allowing for emission averaging and emission reduction credit trading pursuant to any applicable interstate or regional emissions trading program that has been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan.

History: 1995 AACs; 1996 AACs; 2001 AACs; 2008 MR 12, Eff. June 20, 2008.

**R 336.1214 Approval of a renewable operating permit.**

Rule 214. (1) After the department has received an administratively complete application and all additional information requested by the department pursuant to R 336.1210(3) for a renewable operating permit, significant modification to a renewable operating permit, or the renewal of a renewable operating permit, the department shall prepare a draft permit and a report that sets forth the applicable requirements and factual basis for the draft permit terms and conditions. The report shall include citations of the applicable requirements, an explanation of any equivalent requirements or other changes included in the draft permit pursuant to R 336.1213(2), and any determination made pursuant to R 336.1213(6)(a)(ii) regarding requirements that are not applicable to the stationary source where the draft permit contains only a summary of the determination.

(2) The person who applied for the renewable operating permit shall be provided with a reasonable period of time, but not less than 7 days nor more than 30 days, to review and comment on the draft renewable operating permit, draft renewable operating permit significant modification, or draft renewable operating permit renewal before the start of the public participation procedure specified in subrule (3) of this rule. If the person and the department cannot agree on the terms and conditions of the draft renewable operating permit, the terms and conditions that the department believes are necessary to comply with the requirements of R 336.1213 shall be incorporated into the draft renewable operating permit and the report required by subrule (1) of this rule shall include a discussion of the person's objections.

(3) Except for modifications qualifying for administrative permit amendment procedures pursuant to R 336.1216(1) or minor permit modification procedures pursuant to R 336.1216(2), the draft renewable operating permit, draft renewable operating permit modification, or the draft renewable operating permit renewal shall be subjected to the following public participation procedure before the department submits a proposed renewable operating permit to the United States

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environmental protection agency for review pursuant to subrule (6) of this rule:

(a) The department shall provide public notice by publication in a newspaper of general circulation in the area where the stationary source is located or in a state publication designed to give general public notice. Notice shall also be provided to persons on a mailing list maintained by the department, including persons who request, in writing, to be on that list, and to any person who requests, in writing, to be notified of a permit action involving a specific stationary source.

(b) The notice shall set forth all of the following information:

(i) The name of the stationary source.

(ii) The name and mailing address of the responsible official.

(iii) The mailing address of the department.

(iv) The activity or activities involved in the proposed permit action.

(v) The emissions change involved in any permit modification.

(vi) The name, address, and telephone number of a representative of the department from whom interested persons may obtain additional information, including copies of the draft permit, the report required under subrule (1) of this rule, and, to the extent provided by 1976 PA 442, MCL 15.231, and known as the freedom of information act, the application and any other materials available to the department that are relevant to the permit decision.

(vii) A brief description of the procedures to submit comments.

(viii) The time and place of any hearing that may be held, including a statement of the procedures to request a hearing, unless a hearing has already been scheduled.

(c) The department shall provide not less than 30 days for public comment and shall give notice of any public hearing not less than 30 days in advance of the hearing.

(d) The department shall keep a record of the commenters and the issues raised during the public participation process and the records shall be available to the public.

(4) The department shall give notice of each draft permit to any affected state on or before the time that the department provides notice to the public pursuant to subrule (3) of this rule, unless R 336.1216(2) requires the timing of the notice to be different. The department shall notify the administrator of the United States environmental protection agency and any affected state, in writing, of any refusal by the department to accept all recommendations for the proposed permit that the affected state submitted during the public comment period specified in subrule (3)(c) of this rule. The notice shall include the department's reasons for not accepting any recommendation. The department is not required to accept recommendations that are not based on applicable requirements.

(5) After the completion of the public participation procedure specified in subrule (3) of this rule and the review by affected states specified in subrule (4) of this rule, the department shall prepare a proposed renewable operating permit, proposed renewable operating permit significant modification, or proposed renewable operating permit renewal. If the proposed renewable operating permit differs from the draft renewable operating permit in response to substantial and relevant comments from the public or affected states, the person who applied for the renewable operating permit shall be provided with a reasonable period of time, but not less than 7 days nor more than 30 days, to review and comment on the changes before the transmittal of the proposed renewable operating permit to the United States environmental protection agency for review. If the person and the department cannot agree on the changes to the proposed renewable operating permit, the changes that the department believes are necessary to comply with the requirements of R 336.1213 shall be incorporated into the proposed renewable operating permit and the person's objections shall be included in the information transmitted to the United States environmental protection agency for review.

(6) Except as provided in 40 C.F.R. §70.8(a)(1) and (2), adopted by reference in R 336.1299, and as provided in R 336.1210(13), the department shall transmit a copy of each administratively complete application for a renewable operating permit, including any application for a significant modification to a renewable operating permit or for renewal of a renewable operating permit, all additional information submitted pursuant to R 336.1210(3), the report prepared pursuant to subrule (1) of this rule, and the proposed renewable operating permit to the United States environmental protection agency. The department shall not take a final action to issue a renewable operating permit until 45 days after the United States environmental protection agency has received all the information specified in this subrule and subrule (4) of this rule. If the administrator of the United States environmental protection agency objects, in writing, to the renewable operating permit before the end of the 45-day review period specified in this subrule, the department shall not issue the renewable operating permit until the administrator's objection has been resolved. The department shall follow the procedure specified in 40 C.F.R. §70.8(c), adopted by reference in R 336.1299, to resolve the objection. The application shield provided by R 336.1210(1) shall continue to apply to the stationary source, consistent with the provisions of R 336.1210, until the department takes final action on the renewable operating permit.

(7) The department shall make a final decision to issue or deny a renewable operating permit, a significant modification to a renewable operating permit, or the renewal of a renewable operating permit after completion of the review by the United States environmental protection agency specified in subrule (6) of this rule. The final renewable operating permit shall

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contain all terms and conditions determined by the department to be necessary pursuant to R 336.1213, after consideration of all comments received during public participation pursuant to subrule (3) of this rule and affected state review pursuant to subrule (4) of this rule, including any terms and conditions necessary to resolve any objection by the administrator of the United States environmental protection agency pursuant to subrule (6) of this rule. The department shall transmit a copy of each final renewable operating permit to the United States environmental protection agency. A person aggrieved by the issuance, denial, modification, or renewal of a renewable operating permit may appeal the final decision as provided in section 5506(14) of the act.

(8) Any person may petition the administrator of the United States environmental protection agency to make an objection regarding a renewable operating permit pursuant to 40 C.F.R. §70.8(d), adopted by reference in R 336.1299. The petition shall be filed within 60 days after the expiration of the administrator's 45-day review period specified in subrule (6) of this rule and 40 C.F.R. §70.8(c), adopted by reference in R 336.1299. The petition shall be based only on an objection to the renewable operating permit that was raised with reasonable specificity during the public comment period provided for in subrule (3)(c) of this rule, unless the petitioner demonstrates that it was impracticable to raise the objection during the public comment period or unless the grounds for the objection arose after the public comment period. A petition for review does not stay the effectiveness of a renewable operating permit or its requirements if the renewable operating permit was issued after the end of the 45-day review period and before the department received an objection by the administrator. If the administrator of the United States environmental protection agency objects to the renewable operating permit as a result of a petition filed pursuant to 40 C.F.R. §70.8(d), adopted by reference in R 336.1299, before the department has issued the renewable operating permit, the department shall not issue the renewable operating permit until the administrator's objection has been resolved. The application shield provided by R 336.1210(1) shall continue to apply to the stationary source, consistent with the provisions of R 336.1210, until the department takes final action on the renewable operating permit. If the administrator of the United States environmental protection agency objects to the renewable operating permit as a result of a petition filed pursuant to 40 C.F.R. §70.8(d) after the department has issued the renewable operating permit, the department shall follow the procedure specified in 40 C.F.R. §70.7(g), adopted by reference in R 336.1299, to resolve the objection.

History: 1995 AACS; 1996 AACS; 2001 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1214a Consolidation of permits to install within renewable operating permit.**

Rule 214a. (1) The department shall issue a source-wide permit to install concurrent with each issuance and renewal of a renewable operating permit pursuant to R 336.1214 and each reissuance of a renewable operating permit pursuant to R 336.1217(2)(b). The source-wide permit to install shall be contained in the same document as the renewable operating permit. The source-wide permit to install shall specifically identify, consolidate, and incorporate all federally enforceable terms and conditions of existing permits to install into the renewable operating permit in accordance with the provisions of R 336.1212(5) and the permit content requirements of R 336.1213.

(2) The source-wide permit to install is updated whenever a new process-specific permit to install is incorporated into the renewable operating permit in accordance with the provisions of R 336.1216.

(3) Both of the following provisions apply to the incorporation of terms and conditions of a permit to install into a renewable operating permit:

(a) Within the renewable operating permit, each federally enforceable term or condition that originated in a permit to install shall be specifically identified with an applicable requirement citation of R 336.1201(1)(a). This citation is in addition to the R 336.1213(2)(a) underlying applicable requirement citation. Each term or condition of the renewable operating permit with an applicable requirement citation of R 336.1201(1)(a) shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule.

(b) A federally enforceable term or condition of a renewable operating permit shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule, if it can be reasonably demonstrated that the federally enforceable term or condition originated in a permit to install issued pursuant to R 336.1201. Each term or condition in a renewable operating permit issued before the effective date of this rule with any of the following underlying applicable requirements, identified pursuant to R 336.1213(2)(a), shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule:

(i) R 336.1201, R 336.1201a.

(ii) Title 40 C.F.R. §§63.40 to 63.44 and §§63.50 to 63.56, adopted by reference in R 336.1299.

(iii) R 336.1301(1)(c), R 336.1301(4), and R 336.1331(1)(c).

(iv) R 336.1401(1)(b) and R 336.1403(4).

(v) R 336.1702, R 336.1705, R 336.1706, R 336.1708, R 336.1709, and R 336.1710.

(vi) R 336.2415.

(vii) Title 40 C.F.R. §52.21, adopted by reference in R 336.1299.

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(viii) R 336.2801 to R 336.2819 and R 336.2823.

(ix) R 336.2901 to R 336.2903, R 336.2907, and R 336.2908.

(4) The source-wide permit to install replaces all existing permits to install, in accordance with R 336.1201(6)(b). Although the source-wide permit to install and the renewable operating permit are contained in the same document, the source-wide permit to install maintains its own authority under section 5505 of the act. If the renewable operating permit expires or is voided, the source-wide permit to install remains in effect, unless the criteria of R 336.1201(6)(a) or (6)(c) are met.

(5) State-only enforceable terms and conditions from a permit to install that have been incorporated into a renewable operating permit shall be considered terms and conditions of a state-only enforceable permit to install established pursuant to R 336.1201(2)(d). If the renewable operating permit later expires or is voided, the state-only enforceable permit to install does not expire, nor is it voided, unless the criteria of R 336.1201(6)(a) or (c) are met.

(6) Nothing in this rule shall relieve the requirement to obtain a permit to install pursuant to R 336.1201(1) for newly constructed, modified, reconstructed, or relocated process or process equipment that emits an air contaminant.

History: 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1215**

**Source:** 2001 AACS.

**R 336.1216**

**Source:** 2003 AACS.

**R 336.1217**

**Source:** 1995 AACS.

**R 336.1218**

**Source:** 1995 AACS.

**R 336.1219 Amendments for change of ownership or operational control.**

Rule 219. (1) A person may notify the department, in writing, of a change in ownership or operational control of a stationary source or emission unit authorized by a permit to install or a permit to operate. The notification shall include all of the following information:

(a) A description of the stationary source or emission unit affected by the change and a listing of the permits involved in the request.

(b) An identification of the new owner or operator and a specific date for the transfer of responsibility, coverage, and liability.

(c) A written statement by the new person owning or operating the stationary source or emission unit that the terms and conditions of the permit to install or permit to operate are understood and accepted. Acceptance of the terms and conditions of a permit does not affect the person's ability to subsequently request a modification to the permit to install or permit to operate pursuant to R 336.1201. The new person owning or operating the stationary source shall also notify the department of any change in the contact person regarding the permit.

(2) A change in ownership or operational control of a stationary source or emission unit covered by a renewable operating permit shall be made pursuant to R 336.1216(1).

History: 1995 AACS; 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1220 Rescinded**

History: 1980 AACS; 1981 AACS; 1988 AACS; 1990 AACS; 1993 AACS; 2003 AACS; rescinded 2008 MR 12, Eff. June 20, 2008.

**R 336.1221**

**Source:** 1997 AACS.

**R 336.1224**

**Source:** 1998-2000 AACS.

**R 336.1225**

**Source:** 1998-2000 AACS.

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**R 336.1226**

Source: 1998-2000 AACS.

**R 336.1227**

Source: 1998-2000 AACS.

**R 336.1228**

Source: 1998-2000 AACS.

**R 336.1229**

Source: 1998-2000 AACS.

**R 336.1230**

Source: 1998-2000 AACS.

**R 336.1231**

Source: 1998-2000 AACS.

**R 336.1232**

Source: 1998-2000 AACS.

**R 336.1240 Required air quality models.**

Rule 240. All air quality modeling demonstrations required by prevention of significant deterioration of air quality regulations and new source review for major sources in nonattainment areas regulations, or used to support or amend the state implementation plan shall be made in accordance with the models and procedures in 40 C.F.R. §51.160(f) and appendix W adopted by reference in R 336.1299.

History: 1980 AACS; 1989 AACS; 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1241 Air quality modeling demonstration requirements.**

Rule 241. (1) All air quality modeling demonstrations required by the department which are not subject to R 336.1240 shall follow the procedures and methods referenced in R 336.1240, except for the demonstration may be based on the maximum ambient predicted concentration using the most recent calendar year of meteorological data from a representative national weather service, federal aviation administration station, or site specific measurement station.

History: 1980 AACS; 1989 AACS; 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1277 New emission units at facilities with plantwide applicability limits; exemption.**

Rule 277. The owner or operator of a facility complying with an actuals PAL, established pursuant to R 336.2823 or R 336.2907, may install a new emissions unit without first obtaining a permit to install under R 336.1201, if all of the following requirements are met:

(a) The new emissions unit will not cause a meaningful change in the nature or quantity of toxic air contaminants emitted from the stationary source unless the new emission unit is otherwise exempt under R 336.1278 to R 336.1290. In determining whether the new emissions unit will cause a meaningful change in the nature or quantity of toxic air contaminants, the following shall apply:

(i) The owner or operator shall demonstrate to the department that a meaningful change in the nature or quantity of toxic air contaminants has not occurred. The owner or operator may devise its own method to perform this demonstration subject to approval by the department. However, if the applicant demonstrates that all toxic air contaminants from a new emissions unit are within the levels specified in R 336.1226 or R 336.1227, then a meaningful change in air contaminants has not occurred.

(ii) If, using the methods described in paragraph (a) of this subdivision, the owner or operator determines that the installation of new emission units will cause a meaningful change in the nature or quantity of toxic air contaminant emissions, then the owner or operator shall obtain a state-only enforceable permit to install under R 336.1201(1)(b).

(iii) A copy of the demonstration required by subparagraph (a) of this paragraph shall be kept on site for the life of the new emissions unit and made available to the department upon request.

(b) The new emissions unit will only emit regulated new source review pollutants, as defined in R 336.2801(nn) and R 336.2901(ee), that are subject to a PAL, unless the new emission unit is otherwise exempt under R 336.1278 to R 336.1290.

(c) The new emissions unit will not be a newly constructed or reconstructed major source of hazardous air pollutants as defined in and subject to 40 C.F.R. §63.2 and §63.5(b)(3), national emission standard for hazardous air pollutants, adopted by



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reference in R 336.1299.

(d) The installation of the new emissions unit will not cause the violation of any other applicable requirement.

(e) The owner or operator shall notify the department of the installation of a new emissions unit using the procedure in R 336.1215(3)(c).

History: 2008 MR 12, Eff. June 20, 2008.

**R 336.1278 Exclusion from exemption.**

Rule 278. (1) The exemptions specified in R 336.1280 to R 336.1290 do not apply to either of the following:

(a) Any activity that is subject to prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations.

(b) Any activity that results in an increase in actual emissions greater than the significance levels defined in R 336.1119.

For the purpose of this rule, “activity” means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

(2) The exemptions specified in R 336.1280 to R 336.1290 do not apply to the construction of a new major source of hazardous air pollutants or reconstruction of a major source of hazardous air pollutants, as defined in and subject to 40 C.F.R. §63.2 and §63.5(b)(3), national emission standards for hazardous air pollutants, adopted by reference in R 336.1299.

(3) The exemptions specified in R 336.1280 to R 336.1290 do not apply to a construction or modification as defined in and subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants, adopted by reference in R 336.1299.

(4) The exemptions in R 336.1280 to R 336.1290 apply to the requirement to obtain a permit to install only and do not exempt any source from complying with any other applicable requirement or existing permit limitation.

History: 1993 AACS; 1994 AACS; 1995 AACS; 1996 AACS; 1997 AACS; 1998 AACS; 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1278a**

**Source:** 2003 AACS.

**R 336.1279**

**Source:** 2003 AACS.

**R 336.1280**

**Source:** 1995 AACS.

**R 336.1281 Permit to install exemptions; cleaning, washing, and drying equipment.**

Rule 281. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

(b) Equipment used for portable steam cleaning.

(c) Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.

(d) Portable blast-cleaning equipment equipped with appropriately designed and operated enclosure and control equipment.

(e) Equipment used for washing or drying materials, where the material itself cannot become an air contaminant, if no volatile organic compounds that have a vapor pressure greater than 0.1 millimeter of mercury at standard conditions are used in the process and no oil or solid fuel is burned.

(f) Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach or detergents.

(g) Dry-cleaning equipment that has a capacity of 100 or less pounds of clothes.

(h) Cold cleaners that have an air/vapor interface of not more than 10 square feet.

(i) Sterilization equipment at medical and pharmaceutical facilities using steam, hydrogen peroxide, peracetic acid, or a combination thereof.

(j) Portable blast-cleaning equipment used during construction to clean new water tanks or other new structures if the tank or structure is not located closer than the lesser of 750 feet or 5 times the height of the structure to the nearest residential, commercial, or public facility and the abrasive media is a low dusting material that does not contain more than 5% crystalline silica.

History: 1980 AACS; 1992 AACS; 1993 AACS; 1995 AACS; 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1282**

**Source:** 2003 AACS.

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**R 336.1283**

**Source:** 1997 AACS.

**R 336.1284 Permit to install exemptions; containers.**

Rule 284. Except as specified in R 336.1278, the requirement of R 336.1201(1) to obtain a permit to install does not apply to containers, reservoirs, or tanks used exclusively for any of the following:

- (a) Dipping or storage operations for coating objects with oils, waxes, greases, or natural or synthetic resins containing no organic solvents.
- (b) Storage of butane, propane, or liquefied petroleum gas in a vessel that has a capacity of less than 40,000 gallons.
- (c) Storage and surge capacity of lubricating, hydraulic, and thermal oils and indirect heat transfer fluids.
- (d) Storage of no. 1 to no. 6 fuel oil as specified in ASTM-D-396, gas turbine fuel oils nos. 2-GT to 4-GT as specified in ASTM-D-2880, or diesel fuel oils nos. 2-D and 4-D as specified in ASTM-D-975. The ASTM methods are adopted by reference in R 336.1299.
- (e) Storage of sweet crude or sweet condensate in a vessel that has a capacity of less than 40,000 gallons.
- (f) Storage of sour crude or sour condensate in a vessel that has a capacity of less than 40,000 gallons if vapor recovery or its equivalent is used to prevent the emission of vapors to the atmosphere.
- (g) Gasoline or natural gas storage and handling equipment, as follows:
  - (i) Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at dispensing facilities.
  - (ii) Natural gas storage and handling equipment at dispensing facilities.
- (h) Storage of water solutions of inorganic salts and bases and of water solutions of the following acids:
  - (i) Sulfuric acid that is not more than 99% by weight.
  - (ii) Phosphoric acid that is not more than 99% by weight.
  - (iii) Nitric acid that is not more than 20% by weight.
  - (iv) Hydrochloric acid that is not more than 11% by weight.
- (i) Storage or transfer operations of volatile organic compounds or noncarcinogenic liquids in a vessel that has a capacity of not more than 40,000 gallons where the contents have a true vapor pressure of not more than 1.5 psia at the actual storage conditions.
- (j) Pressurized storage of acetylene, hydrogen, oxygen, nitrogen, helium, and other substances, excluding chlorine and anhydrous ammonia in a quantity of more than 500 gallons, that have a boiling point of 0 degrees Celsius or lower.
- (k) Storage containers of noncarcinogenic solid material, including silos, which only emit particulate matter and which are controlled with an appropriately designed and operated fabric filter collector system or an equivalent control system.
- (l) Filling of noncarcinogenic liquids in shipping or storage containers that have emissions which are released only into the general in-plant environment.
- (m) Storage of wood and wood residues.
- (n) Storage of methanol in a vessel that has a capacity of not more than 30,000 gallons.

History: 1993 AACS; 1995 AACS; 1997 AACS; 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1285 Permit to install exemptions; miscellaneous.**

Rule 285. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) Routine maintenance, parts replacement, or other repairs that are considered by the department to be minor, or relocation of process equipment within the same geographical site not involving any appreciable change in the quality, nature, quantity, or impact of the emission of an air contaminant therefrom. Examples of parts replacement or repairs considered by the department to be minor include the following:
  - (i) Replacing bags in a baghouse.
  - (ii) Replacing wires, plates, rappers, controls, or electric circuitry in an electrostatic precipitator which does not measurably decrease the design efficiency of the unit.
  - (iii) Replacement of fans, pumps, or motors which does not alter the operation of a source or performance of air pollution control equipment.
  - (iv) Boiler tubes.
  - (v) Piping, hoods, and ductwork.
  - (vi) Replacement of engines, compressors, or turbines as part of a normal maintenance program.
- (b) Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit and which do not involve any meaningful change in the quality and nature or any meaningful increase in the quantity of the emission of an air contaminant therefrom. Examples of such changes in a process or process equipment include the following:

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- (i) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings.
- (ii) Change in the sequence of the process.
- (iii) Change in the method of raw material addition.
- (iv) Change in the method of product packaging.
- (v) Change in process operating parameters.
- (vi) Installation of a floating roof on an open top petroleum storage tank.
- (vii) Replacement of a fuel burner in a boiler with an equally or more thermally efficient burner.
- (viii) Lengthening a paint drying oven to provide additional curing time.
- (c) Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit and which involve a meaningful change in the quality and nature, or a meaningful increase in the quantity, of the emission of an air contaminant resulting from any of the following:
  - (i) Changes in the supplier or supply of the same type of virgin fuel, such as coal, no. 2 fuel oil, no. 6 fuel oil, or natural gas.
  - (ii) Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment.
  - (iii) Changes in a process or process equipment to the extent that such changes do not alter the quality and nature, or increase the quantity, of the emission of the air contaminant beyond the level which has been described in and allowed by an approved permit to install, permit to operate, or order of the department.
  - (d) Reconstruction or replacement of air pollution control equipment with equivalent or more efficient equipment.
  - (e) Installation, construction, or replacement of air pollution control equipment for an existing process or process equipment for the purpose of complying with the national emission standards of hazardous air pollutants regulated under section 112 of part A of title I of the clean air act, 84 Statutes 1685, 42 U.S.C. §7412.
  - (f) Installation or construction of air pollution control equipment for an existing process or process equipment if the control equipment itself does not actually generate a significant amount of criteria air contaminants as defined in R 336.1119(e) or a meaningful quantity of toxic air contaminants.
  - (g) Internal combustion engines that have less than 10,000,000 Btu/hour maximum heat input.
  - (h) Vacuum pumps in laboratory or pilot plant operations.
  - (i) Brazing, soldering, welding, or plasma coating equipment.
  - (j) Portable cutting torches.
  - (k) Grain, metal, or mineral extrusion presses.
  - (l) The following equipment and any exhaust system or collector exclusively serving the equipment:
    - (i) Equipment used exclusively for bending, forming, expanding, rolling, forging, pressing, drawing, stamping, spinning, or extruding either hot or cold metals.
    - (ii) Die casting machines.
    - (iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.
    - (iv) Atmosphere generators used in connection with metal heat treating processes.
    - (v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, flyash, or metal compounds.
    - (vi) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals, graphite, plastics, concrete, rubber, paper stock, wood, or wood products which meets any of the following:
      - (A) Equipment used on a nonproduction basis.
      - (B) Equipment has emissions that are released only into the general in-plant environment.
      - (C) Equipment has externally vented emissions controlled by an appropriately designed and operated fabric filter collector that, for all specified operations with metal, is preceded by a mechanical precleaner.
  - (vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, including any of the following:
    - (A) Blueprint machines.
    - (B) Photocopiers.
    - (C) Mimeograph machines.
    - (D) Photographic developing processes.
    - (E) Microfiche copiers.
  - (viii) Battery charging operations.
  - (ix) Pad printers.
  - (m) Lagoons, process water treatment equipment, wastewater treatment equipment, and sewage treatment equipment, except for any of the following:

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- (i) Lagoons and equipment primarily designed to treat volatile organic compounds in process water, wastewater, or groundwater, unless the emissions from the lagoons and equipment are only released into the general in-plant environment.
- (ii) Sludge incinerators and dryers.
- (iii) Heat treatment processes.
- (iv) Odor control equipment.
- (n) Livestock and livestock handling systems from which the only potential air contaminant emission is odorous gas.
- (o) Equipment for handling and drying grain on a farm.
- (p) Commercial equipment used for grain unloading, handling, cleaning, storing, loading, or drying in a column dryer that has a column plate perforation of not more than 0.094 inch or a rack dryer in which exhaust gases pass through a screen filter no coarser than 50 mesh.
- (q) Portable steam deicers that have a heat input of less than 1,000,000 Btu's per hour.
- (r) Equipment used for any of the following metal treatment processes if the process emissions are only released into the general in-plant environment:
  - (i) Surface treatment.
  - (ii) Pickling.
  - (iii) Acid dipping.
  - (iv) Cleaning.
  - (v) Etching.
  - (vi) Electropolishing.
  - (vii) Electrolytic stripping or electrolytic plating.
- (s) Emissions or airborne radioactive materials specifically authorized pursuant to a United States nuclear regulatory commission license.
- (t) Equipment for the mining and screening of uncrushed sand, gravel, soil and other inorganic soil-like materials.
- (u) Solvent distillation equipment that has a rated batch capacity of not more than 55 gallons.
- (v) Any vapor vacuum extraction soil remediation process where vapor is treated in a control device and all of the vapor is reinjected into the soil such that there are no emissions to the atmosphere during normal operation.
- (w) Air strippers controlled by an appropriately designed and operated carbon adsorption or incineration system that is used exclusively for the cleanup of gasoline, fuel oil, natural gas condensate, and crude oil spills.
- (x) Any asbestos removal or stripping process or process equipment.
- (y) Ozonization process or process equipment.
- (z) Combustion of boiler cleaning solutions that were solely used for or intended for cleaning internal surfaces of boiler tubes and related steam and water cycle components if the solution burned is not designated, by listing or specified characteristic, as hazardous pursuant to federal regulations or state rules.
- (aa) Landfills and associated flares and leachate collection and handling equipment.
- (bb) A residential, municipal, commercial, or agricultural composting process or process equipment.
- (cc) Gun shooting ranges controlled by appropriately designed and operated high-efficiency particulate filters.
- (dd) Equipment for handling, conveying, cleaning, milling, mixing, cooking, drying, coating, and packaging grain-based food products and ingredients which meet any of the following:
  - (i) Equipment used on a nonproduction basis.
  - (ii) Equipment has emissions that are released only into the general in-plant environment.
  - (iii) Equipment has externally vented emissions controlled by an appropriately designed and operated particulate control system.
- (ee) Open burning.
- (ff) Fire extinguisher filling, testing, spraying, and repairing.
- (gg) Equipment used for chipping, flaking, or hogging wood or wood residues that are not demolition waste materials.
- (hh) A process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans.
- (ii) Fuel cells that use phosphoric acid, molten carbonate, proton exchange membrane, or solid oxide or equivalent technologies.
- (jj) Any vacuum truck used at a remediation site as a remedial action method, if it is not used more than once per month at a site and the usage is not more than 2 consecutive days.
- (kk) Air sparging systems where the sparged air is emitted back to the atmosphere only by natural diffusion through the contaminated medium and covering soil or other covering medium.
- (ll) Air separation or fractionation equipment used to produce nitrogen, oxygen, or other atmospheric gases.
- (mm) Routine and emergency venting of natural gas from transmission and distribution systems or field gas from gathering lines which meet any of the following:
  - (i) Routine or emergency venting of natural gas or field gas in amounts less than or equal to 1,000,000 standard cubic feet

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per event. For purposes of this rule, an emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

(ii) Venting of natural gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of transmission and distribution systems provided that both of the following requirements are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan gas safety standards, the federal pipeline and hazardous materials safety administration standards, and the federal energy regulatory commission standards, as applicable.

(iii) Venting of field gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of gathering pipelines provided that both of the following are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan department of environmental quality, office of geological survey, and the Michigan public service commission standards, as applicable.

(iv) Emergency venting of natural gas or field gas in amounts greater than 1,000,000 standard cubic feet per event, provided that the owner or operator notifies the pollution emergency alert system or PEAS within 24 hours of an emergency pipeline venting. For purposes of this rule, an emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

History: 1993 AACCS; 1995 AACCS; 1997 AACCS; 2003 AACCS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1286**

**Source:** 1997 AACCS.

**R 336.1287**

**Source:** 2003 AACCS.

**R 336.1288 Permit to install exemptions; oil and gas processing equipment.**

Rule 288. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Gas odorizing equipment.

(b) A glycol dehydrator that meets either of the following conditions:

(i) It is located at an oil well site and is controlled by a condenser or by other control equipment of equivalent or better efficiency than the condenser.

(ii) It is located at a site or facility that only processes natural gas from the Antrim zone.

(c) A sweet gas flare.

(d) Equipment for the separation or fractionation of sweet natural gas, but not including natural gas sweetening equipment.

(e) Equipment that is used for oil and gas well drilling, testing, completion, rework, and plugging activities.

History: 1993 AACCS; 1995 AACCS; 2008 MR 12, Eff. June 20, 2008.

**R 336.1289**

**Source:** 2003 AACCS.

**R 336.1290**

**Source:** 1997 AACCS.

**R 336.1299 Adoption of standards by reference.**

Rule 299. (1) The following standards are adopted in these rules by reference and are available as noted:

(a) "1996 TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents. Biological Exposure Indices," American conference of governmental industrial hygienists. For the purposes of R 336.1232, the chemical names and threshold limit values are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$11.00, or from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, at a cost as of the time of adoption of these rules of \$11.00. The American Conference of Governmental Industrial Hygienists can also be contacted on the internet at [www.acgih.org](http://www.acgih.org), by telephone at 513-742-2020, or by email at [mail@acgih.org](mailto:mail@acgih.org).

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(b) "NIOSH Pocket Guide to Chemical Hazards," national institute for occupational safety and health, June 1994. For the purposes of R 336.1232, the chemical names and NIOSH-recommended exposure levels are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$14.00, or from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, NTIS document PB95-100368, at a cost as of the time of adoption of these rules of \$14.00. The National Technical Information Service can also be contacted on the internet at [www.ntis.gov](http://www.ntis.gov) or by telephone at 888-584-8332.

(c) "Guidelines for Carcinogen Risk Assessment," 1986, United States environmental protection agency, 51 F.R. pp. 33992 to 34003. Copies may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at no cost, or from CERL, Office of Resource Information, United States Environmental Protection Agency, 26 Martin Luther King Drive, Cincinnati, Ohio 45268, EPA document no. EPA 600/8-87/045, at no cost.

(2) The following standards are adopted in these rules by reference and are available as noted. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may be obtained from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954, at a cost as of the time of adoption of these rules (GPO price), or on the United States government printing office internet web site at <http://www.access.gpo.gov>:

(a) The federal acid rain program, 40 C.F.R. §§72.1 to 72.96 (2006), 40 C.F.R. §§74.1 to 74.61 (2006), and 40 C.F.R. §§76.1 to 76.15 (2006), AQD price \$72.00; GPO price \$62.00. When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States environmental protection agency. If the provisions or requirements of 40 C.F.R. §§72.1 to 72.96, 40 C.F.R. §§74.1 to 74.61, or 40 C.F.R. §§76.1 to 76.15 conflict with, or are not included in, R 336.1210 to R 336.1218, then the 40 C.F.R. §§72.1 to 72.96 and 40 C.F.R. §§76.1 to 76.15 provisions and requirements shall apply and take precedence.

(b) The federal hazardous air pollutant regulations governing constructed or reconstructed major sources, 40 C.F.R. §§63.40 to 63.44 (2006) and 63.50 to 63.56 (2006), AQD price \$68.00; GPO price \$58.00. When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States environmental protection agency.

(c) The federal compliance assurance monitoring regulations, 40 C.F.R. §§64.1 to 64.10 (2006), AQD price \$39.00; GPO price \$29.00. When used in these federal regulations, the term "permitting authority" shall mean the department, and the term "administrator" shall mean the administrator of the United States environmental protection agency.

(d) Title 40 C.F.R. §51.160(f), "Legally enforceable procedures," and appendix W, "Guideline on Air Quality Models" (2006); AQD price \$55.00; GPO price \$45.00.

(3) For the purpose of clarifying the definitions in these rules, the following documents are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies of the documents may be obtained from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954, at a cost as of the time of adoption of these rules (GPO price), or on the United States government printing office internet web site at <http://www.access.gpo.gov>:

(a) Title 40 C.F.R. §§51.165, "Permit requirements," and 51.166, "Prevention of significant deterioration of air quality" (2006), AQD price \$55.00/\$45.00 GPO price.

(b) Title 40 C.F.R., §52.21, "Prevention of Significant Deterioration of Air Quality" (2006), AQD price \$70.00/\$60.00 GPO price.

(c) Title 40 C.F.R., part 60, "Standards of Performance for New Stationary Sources," (2006), AQD price \$68.00/\$58.00 GPO price for 60.1-end and AQD price \$67.00/\$57.00 GPO price for the appendices.

(d) Title 40 C.F.R., part 61, "National Emission Standards for Hazardous Air Pollutants" (2006), AQD price \$55.00/\$45.00.

(e) Title 40 C.F.R. §63.2, "Definitions," and §63.5(b)(3), "Requirements for existing, newly constructed and reconstructed sources" (2006), AQD price \$68.00/\$58.00 GPO price for 63.1-63.599.

(f) Title 40 C.F.R. part 63, subpart EEE, "National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors" (2006), AQD price \$60.00/\$50.00 GPO price for 63.1200-63.1439.

(g) Title 40 C.F.R. part 63, subpart LLL, "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry" (2006), AQD price \$60.00/\$50.00 GPO price for 63.1200-63.1439.

(h) Title 40 C.F.R. §70.3 (2006), "Applicability," AQD price \$39.00/\$29.00 GPO price for Parts 64-71.

(i) Title 40 C.F.R. §70.7(g) (2006), "Reopenings for cause by EPA," AQD price \$39.00/\$29.00 GPO price for Parts 64-71.

(j) Title 40 C.F.R. §70.8(a)(1) and (2) (2006), "Transmission of information to the Administrator," AQD price \$39.00/\$29.00 GPO price for Parts 64-71.

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- (k) Title 40 C.F.R. §70.8(c) (2006), “EPA objection,” AQD price \$39.00/\$29.00 GPO price for Parts 64-71.
- (l) Title 40 C.F.R. §70.8(d) (2006), “Public petitions to the Administrator,” AQD price \$39.00/\$29.00 GPO price for Parts 64-71.
- (4) The ASTM methods are adopted in these rules by reference. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at the cost at the time of adoption of these rules. Copies may also be obtained from the ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959; the ASTM website at [www.astm.org](http://www.astm.org); or contact ASTM customer service at [service@astm.org](mailto:service@astm.org); at a cost as of the time of adoption of these rules as follows:
- (a) ASTM-D-396-05, “Standard Specification for Fuel Oils,” \$30.00.
- (b) ASTM-D-2880-03, “Standard Specification for Gas Turbine Fuel Oils,” \$30.00.
- (c) ASTM-D-975-05, “Standard Specification for Diesel Fuel Oils,” \$35.00.
- History: 1992 AACS; 1995 AACS; 1998-2000 AACS; 2001 AACS; 2003 AACS; 2008 MR 12, Eff. June 20, 2008.

**PART 3. EMISSION LIMITATIONS AND PROHIBITIONS—PARTICULATE MATTER**

**R 336.1301**

**Source:** 2002 AACS.

**R 336.1302**

**Source:** 1997 AACS.

**R 336.1303**

**Source:** 2002 AACS.

**R 336.1310**

**Source:** 1998-2000 AACS.

**R 336.1320**

**Source:** 1998-2000 AACS.

**R 336.1330**

**Source:** 2002 AACS.

**R 336.1331**

**Source:** 2002 AACS.

**R 336.1349**

**Source:** 1980 AACS.

**R 336.1350**

**Source:** 1985 AACS.

**R 336.1351**

**Source:** 1985 AACS.

**R 336.1352**

**Source:** 1985 AACS.

**R 336.1353**

**Source:** 1985 AACS.

**R 336.1354**

**Source:** 1985 AACS.

**R 336.1355**

**Source:** 1985 AACS.

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- R 336.1356**  
Source: 1985 AACS.
- R 336.1357**  
Source: 1985 AACS.
- R 336.1358**  
Source: 1998-2000 AACS.
- R 336.1359**  
Source: 1985 AACS.
- R 336.1360**  
Source: 1985 AACS.
- R 336.1361**  
Source: 1998-2000 AACS.
- R 336.1362**  
Source: 1998-2000 AACS.
- R 336.1363**  
Source: 1998-2000 AACS.
- R 336.1364**  
Source: 1985 AACS.
- R 336.1365**  
Source: 1985 AACS.
- R 336.1366**  
Source: 1985 AACS.
- R 336.1367**  
Source: 1985 AACS.
- R 336.1370**  
Source: 1981 AACS.
- R 336.1371**  
Source: 2002 AACS.
- R 336.1372**  
Source: 2002 AACS.
- R 336.1374**  
Source: 2002 AACS.

**PART 4. EMISSION LIMITATIONS AND PROHIBITIONS—SULFUR-BEARING COMPOUNDS**

**R 336.1401 Emission of sulfur dioxide from power plants.**

Rule 401. (1) In a power plant, it is unlawful for a person to burn fuel that does not comply with the sulfur content limitation of table 41 or which, when burned, results in sulfur dioxide emissions exceeding an equivalent emission rate as shown in table 41. In a power plant located in Wayne county, it is unlawful for a person to burn fuel that does not comply with the sulfur content limitation of table 42 and unlawful to cause or permit a discharge into the atmosphere from fuel-burning equipment sulfur dioxide in excess of the sulfur dioxide concentration limit shown in table 42.

(2) Tables 41 and 42 read as follows:



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TABLE 41

Fuel and sulfur dioxide emission limitations for fuel burning equipment

Plant Capacity <sup>(a)</sup>	Maximum average sulfur content in fuel <sup>(b)</sup> Percent by weight	Equivalent emission rates			
		Parts per million by volume (ppmv) corrected to 50% excess air		Pounds of sulfur dioxide per million Btu of heat input	
		Solid fuel <sup>(c)</sup> (12,000 Btu/lb)	Liquid fuel <sup>(d)</sup> (18,000 Btu/lb)	Solid fuel <sup>(c)</sup> (12,000 Btu/lb)	Liquid fuel <sup>(d)</sup> (18,000 Btu/lb)
0-500,000 lbs steam per hour plant capacity	1.5	890	630	2.5	1.67
Greater than 500,000 lbs steam per hour plant capacity	1.0	590	420	1.67	1.11
(a) The total steam production capacity of all coal- and oil-burning equipment in a power plant as of August 17, 1971.					
(b) "Maximum average sulfur content in fuel" means the average sulfur content in all fuels burned at any 1 time in a power plant. The sulfur content shall be calculated on the basis of 12,000 Btu per pound for solid fuels and 18,000 Btu per pound for liquid fuels. The determination of sulfur content (percent by weight) of fuel shall be carried out in accordance with a procedure acceptable to the department.					
(c) Solid fuels include both pulverized coal and all other coal.					
(d) Liquid fuels include distillate oil (No. 1 and No. 2), heavy oil (No. 4, No. 5, and No. 6), and crude oil.					

TABLE 42

Fuel and sulfur dioxide concentration limitations for fuel burning equipment located in Wayne county

Fuel type	Maximum weight percent sulfur content in fuel <sup>(a)</sup> limitations for fuel-burning equipment	SO <sub>2</sub> ppmv emission rates corrected to 50% excess air <sup>(b)</sup>
Pulverized coal	1.00	550
Other coal	0.75	420
Distillate oil Nos. 1 & 2	0.30	120
Waste and used oil	1.0	300 <sup>(c)</sup>
Crude and heavy oil Nos. 4, 5, & 6	1.00	400
(a) The determination of sulfur content (percent by weight) of fuel shall be carried out in accordance with a procedure acceptable to the department.		
(b) Recordkeeping necessary to demonstrate compliance with the requirements of this rule and compliance testing must be conducted with a frequency and in a manner acceptable to the department.		
(c) A certain degree of control would be required to meet this limit if 1.0% sulfur fuel is used in lieu of 0.75% sulfur fuel which must be documented and demonstrated in a manner acceptable to the department.		

(3) The use of fuels having sulfur contents as set forth in table 41 and table 42 shall not allow degradation in the mass rate of particulate emissions, unless otherwise authorized by the department. The department may require source emission tests which may be performed by, or under the supervision of, the department at the expense of the owners and may require the submission of reports to the department both before and after changes are made in the sulfur content in fuel.

(4) The following provisions apply to persons in Wayne county:

(a) The maximum weight percent sulfur content in fuel limitations for fuel-burning equipment provisions of table 42 of this rule shall not apply to any person who uses a combination of fuels in such ratios as to meet the sulfur dioxide concentration limitations specified in table 42 and has obtained written approval from the department for this exemption. The allowable concentration limit will be based on the value in the table for the fuel having the higher allowable concentration limit.

(b) The maximum weight percent sulfur content in fuel limitations for fuel-burning equipment provisions of table 42 of this rule shall not apply to any person who has received an installation permit from the department on a control device to desulfurize the stack gases and the control device is installed and operating properly.

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History: 1979 ACS 1, Eff. Jan. 19, 1980; 2002 MR 5, Eff. Mar. 19, 2002; 2008 MR 2, Eff. Jan. 31, 2008.

**R 336.1401a Definitions.**

Rule 401a. As used in this part:

- (a) "Power plant" means a single structure devoted to steam or electric generation, or both, and may contain multiple boilers.
- (b) "Sulfur recovery plant" means any plant that recovers elemental sulfur from any gas stream.

History: 2008 MR 2, Eff. Jan. 31, 2008.

**R 336.1402 Emission of sulfur dioxide from fuel-burning sources other than power plants.**

Rule 402. (1) At a fuel burning source other than a power plant it is unlawful for a person to cause or allow the emission of sulfur dioxide from the combustion of any coal or oil fuel in excess of 1.7 pounds per million Btu of heat input for oil fuel or in excess of 2.4 pounds per million Btu of heat input for coal fuel.

(2) The provisions of subrule (1) of this rule do not apply to a fuel-burning source that is unable to comply with the specified emission limits because of sulfur dioxide emissions caused by the presence of sulfur in other raw materials charged to the fuel-burning source. This exception shall apply if at any time the actual sulfur dioxide emission rate exceeds the expected theoretical sulfur dioxide emission rate from fuel burning. The expected theoretical sulfur dioxide emission rate shall be based on the quantity of fuel burned and the average sulfur content of the fuel.

(3) At a fuel burning source located in Wayne county other than a power plant, it is unlawful for a person to burn fuel that does not comply with the sulfur content limitation of table 43 and unlawful to cause or allow a discharge into the atmosphere from a fuel burning source of sulfur dioxide in excess of the sulfur dioxide concentration limit shown in table 43.

(4) Table 43 reads as follows:

Table 43		
Fuel and sulfur dioxide concentration limitations for fuel burning sources located in Wayne county at a source other than power plants		
Fuel type	Maximum weight percent sulfur content in fuel <sup>(a)</sup> limitations for fuel-burning equipment	SO <sub>2</sub> ppmv emission rates corrected to 50% excess air <sup>(b)</sup>
Coal	0.75	420
Distillate oil Nos. 1 & 2	0.30	120
Waste and used oil	1.0	300 <sup>(c)</sup>
Crude and heavy oil Nos. 4, 5, & 6	1.00	400
(a) The determination of sulfur content (percent by weight) of fuel shall be carried out in accordance with a procedure acceptable to the department.		
(b) Recordkeeping necessary to demonstrate compliance with the requirements of this rule and compliance testing must be conducted with a frequency and in a manner acceptable to the department.		
(c) A certain degree of control would be required to meet this limit if 1.0% sulfur fuel is used in lieu of 0.75% sulfur fuel which must be documented and demonstrated in a manner acceptable to the department.		

(5) The use of fuels having sulfur contents as set forth in table 43 shall not allow degradation in the mass rate of particulate emissions, unless otherwise authorized by the department. The department may require source emission tests which may be performed by, or under the supervision of, the department at the expense of the owners and may require the submission of reports to the department both before and after changes are made in the sulfur content in fuel.

(6) The following provisions apply to persons in Wayne county:

(a) The maximum weight percent sulfur content in fuel limitations for fuel-burning equipment provisions of table 43 of this rule shall not apply to a person who uses a combination of fuels in such ratios as to meet the sulfur dioxide concentration limitations specified in table 43 and has obtained written approval from the department for this exemption. The allowable concentration limit will be based on the value in the table for the fuel having the higher allowable concentration limit.

(b) The maximum weight percent sulfur content in fuel limitations for fuel-burning equipment provisions of table 43 of this rule shall not apply to a person who has received an installation permit from the department for a control device to desulfurize the stack gases and the control device is installed and operating properly.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2008 MR 2, Eff. Jan. 31, 2008.

**R 336.1403**

**Source:** 2002 AACS.

R 336.1404 Emission of sulfur dioxide and sulfuric acid mist from sulfuric acid plants.

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Rule 404. (1) It is unlawful for a person to cause or allow the emission of sulfuric acid mist from any sulfuric acid plant in excess of 0.50 pounds per ton of acid produced, the production being expressed as 100% sulfuric acid.

(2) It is unlawful for a person in Wayne county to cause or allow sulfur dioxide emissions into the atmosphere from any sulfuric acid plant to exceed 6.5 pounds per ton of acid produced.

(3) Compliance with this rule shall be demonstrated using a procedure acceptable to the department.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2008 MR 2, Eff. Jan. 31, 2008.

**R 336.1405 Emissions from sulfur recovery plants located within Wayne county.**

Rule 405. At sulfur recovery plants located in Wayne county, a person shall not cause or allow the emission into the atmosphere of sulfur dioxide, sulfur trioxide, or sulfuric acid from any such sulfur recovery plant to exceed 0.01 pounds per pound of sulfur produced.

History: 2008 MR 2, Eff. Jan. 31, 2008.

**R 336.1406 Hydrogen sulfide emissions from facilities located within Wayne county.**

Rule 406. (1) A person in Wayne county shall not cause or allow the combustion of any refinery process gas stream that contains hydrogen sulfide in a concentration of greater than 100 grains per 100 cubic feet of gas without removal of the hydrogen sulfide in excess of this concentration.

(2) When the odor of hydrogen sulfide is found to exist beyond the property line of a source, a person in Wayne county shall not cause or allow the concentration of hydrogen sulfide to exceed 0.005 parts per million by volume for a maximum period of 2 minutes.

History: 2008 MR 2, Eff. Jan. 31, 2008.

**R 336.1407. Sulfur compound emissions from sources located within Wayne county and not previously specified.**

Rule 407. Both of the following apply to process and fuel burning sources located within Wayne county to which the provisions of R 336.1401 to R 336.1406 do not apply.

(a) A person shall not cause or allow the emission into the atmosphere gases with a concentration of sulfur dioxide greater than 300 parts per million by volume, which shall be corrected to 50% excess air.

(b) A person shall not cause or allow the emission into the atmosphere gases with a concentration of sulfuric acid or sulfur trioxide or a combination thereof greater than 15 milligrams per cubic meter, which shall be corrected to 50% excess air.

History: 2008 MR 2, Eff. Jan. 31, 2008.

**R 336.1420. Applicability determinations, definitions, and permitting requirements under CAIR sulfur dioxide trading program.**

Rule 420. (1) As used in this rule, "CAIR" means clean air interstate rule.

(2) The provisions of 40 C.F.R. §97.202, §97.220 to §97.224 and the appropriate opt-in provisions of 40 C.F.R. §97.280 to §97.288 (2006) are adopted by reference in this rule and are applicable to these rules. Copies of 40 C.F.R. §97.202, §97.220 to §97.224, and §97.280 to §97.288 are available for inspection and purchase at the Department of Environmental Quality, Air Quality Division, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of this rule of \$70.00. Copies may also be obtained from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of this rule of \$60.00; or on the United States government printing office internet web site at [www.access.gpo.gov](http://www.access.gpo.gov).

(3) Each CAIR sulfur dioxide source, as defined in 40 C.F.R. §97.202 is required to apply for a CAIR permit in accordance with 40 C.F.R. §97.220 to §97.224. This permit shall be administered in accordance with the procedural requirements of R 336.1214 and shall be incorporated into the facility's renewable operating permit as an attachment.

History: 2008 MR 2, Eff. Jan. 31, 2008.

**PART 5. EXTENSION OF SULFUR DIOXIDE COMPLIANCE**

**DATE FOR POWER PLANTS PAST JANUARY 1, 1980**

**R 336.1501**

Source: 1997 AACS.

**R 336.1502**

Source: 1997 AACS.

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**R 336.1503**  
Source: 1997 AACS.

**R 336.1504**  
Source: 1997 AACS.

**R 336.1505**  
Source: 1997 AACS.

**R 336.1506**  
Source: 1997 AACS.

**R 336.1507**  
Source: 1997 AACS.

**PART 6. EMISSION LIMITATIONS AND PROHIBITIONS—EXISTING SOURCES OF VOLATILE ORGANIC  
COMPOUND EMISSIONS**

**R 336.1601**  
Source: 2002 AACS.

**R 336.1602**  
Source: 2002 AACS.

**R 336.1603**  
Source: 1997 AACS.

**R 336.1604**  
Source: 2002 AACS.

**R 336.1605**  
Source: 2002 AACS.

**R 336.1606**  
Source: 2002 AACS.

**R 336.1608**  
Source: 2002 AACS.

**R 336.1609**  
Source: 1989 AACS.

**R 336.1610**  
Source: 2002 AACS.

**R 336.1615**  
Source: 2002 AACS.

**R 336.1611**  
Source: 1997 AACS.

**R 336.1612**  
Source: 1997 AACS.

**R 336.1613**  
Source: 1997 AACS.

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**R 336.1614**  
Source: 1997 AACS.

**R 336.1615**  
Source: 1980 AACS.

**R 336.1616**  
Source: 2002 AACS.

**R 336.1617**  
Source: 2002 AACS.

**R 336.1618**  
Source: 2002 AACS.

**R 336.1619**  
Source: 2002 AACS.

**R 336.1620**  
Source: 1998-2000 AACS.

**R 336.1621**  
Source: 1998-2000 AACS.

**R 336.1622**  
Source: 2002 AACS.

**R 336.1623**  
Source: 2002 AACS.

**R 336.1624**  
Source: 1998-2000 AACS.

**R 336.1625**  
Source: 1998-2000 AACS.

**R 336.1626**  
Source: 1997 AACS.

**R 336.1627**  
Source: 2006 AACS.

**R 336.1628**  
Source: 2002 AACS.

**R 336.1629**  
Source: 2002 AACS.

**R 336.1630**  
Source: 2002 AACS.

**R 336.1631**  
Source: 2002 AACS.

**R 336.1632**  
Source: 1993 AACS.

**R 336.1651**  
Source: 2002 AACS.

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**R 336.1660**  
Source: 2007 AACS.

**R 336.1661**  
Source: 2007 AACS.

**PART 7. EMISSION LIMITATIONS AND PROHIBITIONS—NEW SOURCES OF VOLATILE ORGANIC  
COMPOUND EMISSIONS**

**R 336.1701**  
Source: 2002 AACS.

**R 336.1702**  
Source: 2002 AACS.

**R 336.1703**  
Source: 2002 AACS.

**R 336.1704**  
Source: 2002 AACS.

**R 336.1705**  
Source: 2002 AACS.

**R 336.1706**  
Source: 1997 AACS.

**R 336.1707**  
Source: 1997 AACS.

**R 336.1708**  
Source: 1997 AACS.

**R 336.1709**  
Source: 1997 AACS.

**R 336.1710**  
Source: 1997 AACS.

**PART 8. EMISSION LIMITATIONS AND PROHIBITIONS--OXIDES OF NITROGEN**

**R 336.1801**  
Source: 2002 AACS.

**R 336.1802**  
Source: 2004 AACS.

**R 336.1802a**  
Source: 2007 AACS.

**R 336.1803**  
Source: 2007 AACS.

**R 336.1804**  
Source: 2004 AACS.

**R 336.1805**

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Source: 2002 AACS.

**R 336.1806**

Source: 2002 AACS.

**R 336.1807**

Source: 2002 AACS.

**R 336.1808**

Source: 2002 AACS.

**R 336.1809**

Source: 2002 AACS.

**R 336.1810**

Source: 2002 AACS.

**R 336.1811**

Source: 2004 AACS.

**R 336.1814**

Source: 2002 AACS.

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**R 336.1815**

Source: 2002 AACS.

**R 336.1816**

Source: 2002 AACS.

**R 336.1817**

Source: 2002 AACS.

**R 336.1818**

Source: 2006 AACS.

**R 336.1821**

Source: 2007 AACS.

**R 336.1822**

Source: 2007 AACS.

**R 336.1823**

Source: 2007 AACS.

**R 336.1824**

Source: 2007 AACS.

**R 336.1825**

Source: 2007 AACS.

**R 336.1826**

Source: 2007 AACS.

**R 336.1830**

Source: 2007 AACS.

**R 336.1831**

Source: 2007 AACS.

**R 336.1832**  
**Source:** 2007 AACS.

**R 336.1833**  
**Source:** 2007 AACS.

**R 336.1834**  
**Source:** 2007 AACS.

## **PART 9. EMISSION LIMITATIONS AND PROHIBITIONS—MISCELLANEOUS**

**R 336.1901**  
**Source:** 2002 AACS.

**R 336.1902 Adoption of standards by reference.**

Rule 902. The following standards are adopted in these rules by reference and are available as noted. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may be obtained from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules (GPO price), or on the United States government printing office internet web site at <http://www.access.gpo.gov>:

(a) Title 40 C.F.R., part 51, appendix Y, “Guidelines for BART Determinations Under the Regional Haze Rule,” and 40 C.F.R. §51.301, “Definitions,” (2007); AQD price \$55.00; GPO price \$45.00.

(b) Title 40 C.F.R., part 61, subpart M, “National Emission Standards for Asbestos” (2007); AQD price \$55.00; GPO price \$45.00.

(c) Title 40 C.F.R., part 63, subpart A, entitled “General Provisions” (2007); AQD price \$68.00; GPO price \$58.00.

(d) Title 40 C.F.R., part 63, subpart N, “National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks” (2007); AQD price \$68.00; GPO price \$58.00.

(e) Title 40 C.F.R., part 63, subpart O, “Ethylene Oxide Emissions Standards for Sterilization Facilities” (2007); AQD price \$68.00; GPO price \$58.00.

(f) Title 40 C.F.R., part 63, subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry” (2007); AQD price \$60.00; GPO price \$50.00.

(g) Title 40 C.F.R., part 63 subpart RRR, “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production” (2007); AQD price \$42.00; GPO price \$32.00.

(h) Title 40 C.F.R., part 63, subpart VVV, “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works” (2007); AQD price \$42.00; GPO price \$32.00.

(i) Title 40 C.F.R., part 63, subpart GGGG, “National Emission Standards for Hazardous Air Pollutants: Site Remediation” (2007); AQD price \$42.00; GPO price \$32.00.

History: 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1906**  
**Source:** 2002 AACS.

**R 336.1910**  
**Source:** 1980 AACS.

**R 336.1911**  
**Source:** 2002 AACS.

**R 336.1912**  
**Source:** 1995 AACS.

**R 336.1913**  
**Source:** 2001 AACS.



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**R 336.1914**

Source: 2001 AACS.

**R 336.1915**

Source: 2002 AACS.

**R 336.1916**

Source: 2002 AACS.

**R 336.1930**

Source: 2002 AACS.

**R 336.1931**

Source: 2002 AACS.

**R 336.1932**

Source: 2002 AACS.

**R 336.1933**

Source: 1998-2000 AACS.

**R 336.1940 Emission standards for ethylene oxide commercial sterilization and fumigation operations; adoption by reference.**

Rule 940. The provisions of 40 C.F.R., part 63 subpart O, are adopted by reference in R 336.1902. A person responsible for the operation of a facility subject to the provisions of 40 C.F.R., part 63, subpart O, entitled "Ethylene Oxide Emissions Standards for Sterilization Facilities," shall comply with those provisions.

History: 2000 AACS; 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1941 Emission standards for chromium emissions from hard chromium electroplating, decorative chromium electroplating, and chromium anodizing tanks; adoption by reference.**

Rule 941. The provisions of 40 C.F.R., part 63 subpart N, are adopted by reference in R 336.1902. A person responsible for the operation of a facility that is subject to the provisions of 40 C.F.R., part 63, subpart N, entitled "National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks," shall comply with those provisions.

History: 2000 AACS; 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1942 Emission standards for asbestos; adoption by reference.**

Rule 942. (1) The provisions of 40 C.F.R., part 61 subpart M, are adopted by reference in R 336.1902. A person that is subject to the provisions of 40 C.F.R., part 61, subpart M, entitled "National Emission Standards for Asbestos," shall comply with those provisions.

(2) For the purpose of this rule, the term "administrator" as used in §61.02 means the department.

History: 2000 AACS; 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1943 General provisions for emission standards; adoption by reference.**

Rule 943. (1) The provisions of 40 C.F.R., part 63, subpart A, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63 subpart A, entitled "General Provisions," shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in §63.2 mean the department.

History: 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1944 Emission standards for Portland cement manufacturing; adoption by reference.**

Rule 944. The provisions of 40 C.F.R., part 63, subpart LLL, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart LLL, entitled "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry," shall comply with those provisions.

History: 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1945 Emission standards for publicly owned treatment works; adoption by reference.**

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Rule 945. The provisions of 40 C.F.R., part 63, subpart VVV, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart VVV, entitled “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works,” shall comply with those provisions.  
History: 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1946 Emission standards for secondary aluminum production; adoption by reference.**

Rule 946. The provisions of 40 C.F.R., part 63, subpart RRR, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63 subpart RRR, entitled “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production,” shall comply with those provisions.  
History: 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1947 Emission standards for site remediation; adoption by reference.**

Rule 947. The provisions of 40 C.F.R., part 63, subpart GGGGG, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart GGGGG, entitled “National Emission Standards for Hazardous Air Pollutants: Site Remediation,” shall comply with those provisions.  
History: 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1970 Best available retrofit technology; adoption by reference.**

Rule 970. (1) The provisions of 40 C.F.R., part 51, appendix Y, “Guidelines for BART Determinations Under the Regional Haze Rule,” and 40 C.F.R. §51.301, “Definitions,” are adopted by reference in R 336.1902.  
History: 2008 MR 17, Eff. Sept. 11, 2008.

**R 336.1971 Best available retrofit technology or BART program.**

Rule 971. (1) The department shall determine applicability of best available retrofit technology based on the provisions referenced in R 336.1970.

(2) The owner or operator of a unit subject to BART shall perform an engineering analysis as described in the provisions referenced in R 336.1970 and shall provide the results of the analysis to the department within 60 days of the effective date of R 336.1970 and R 336.1971.

(3) If an electric generating unit (EGU) subject to BART is subject to the trading programs of the Clean Air Interstate Rule under 40 C.F.R. part 97, the owner or operator of the EGU is not required to conduct a BART analysis for sulfur dioxide and oxides of nitrogen emissions under this rule.

(4) An engineering analysis required by subrule (2) of this rule shall be submitted to the department and shall be subject to review and approval by the department. If the department determines additional information is required, the department shall provide to the owner or operator additional information requests and comments in writing. The owner or operator shall provide the requested information within 60 days from receipt of written requests and comments from the department. The department may determine that more than 60 days will be allowed.

(5) The department shall determine the BART level of control for each unit subject to BART based on the engineering analysis referenced in subrule (2) of this rule, the provisions referenced in R 336.1970, and other information which the department determines to be relevant.

(6) The owner or operator of a unit subject to BART shall enter into a permit to install or consent order with the department to make the BART provisions legally enforceable within 90 days of the department’s approval of the engineering analysis, unless the department determines that more than 90 days will be allowed. BART controls shall be in place and operating not later than December 31, 2012.

(7) An owner or operator subject to this rule shall measure oxides of nitrogen and sulfur dioxide emissions with 1 or more of the following:

- (a) A continuous emission monitoring system.
- (b) An alternate method as described in 40 C.F.R. part 60 or 75, adopted by reference in R 336.1802a, as applicable and acceptable to the department.
- (c) A method currently in use or a future method developed for use and acceptable to the department, including methods contained in existing permit conditions.

(8) An owner or operator of an emission unit that measures oxides of nitrogen or sulfur dioxide emissions by a continuous emission monitoring system shall do either of the following:

- (a) Use procedures set forth in 40 C.F.R., part 60, subpart A and appendix B, and comply with the quality assurance procedures in appendix F, adopted by reference in R 336.1802a as applicable and acceptable to the department.
- (b) Use procedures set forth in 40 C.F.R., part 75, and associated appendices, adopted by reference in R 336.1802a, as applicable and acceptable to the department.

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(9) An owner or operator of an emission unit who uses a continuous emission monitoring system to demonstrate compliance with this rule and who has already installed a continuous emission monitoring system for oxides of nitrogen or sulfur dioxide pursuant to other applicable federal, state, or local rules shall meet the installation, testing, operation, quality assurance, and reporting requirements specified by the department.

(10) An owner or operator of an emission unit that is subject to this rule and has a permit or consent order issued under R 336.1971(4) shall submit at a minimum semiannual summary reports, in an acceptable format, to the department by March 15 for the reporting period July 1 to December 31 and September 15 for the reporting period January 1 to June 30 of each calendar year. The reports shall include all of the following information:

(a) The date, time, magnitude of emissions, and emission rates where applicable, of the specified emission unit or utility system.

(b) If emissions or emission rates exceed the emissions or emission rates allowed by the applicable emission limit, the cause, if known, and any corrective action taken.

(c) The total operating time of the emission unit during the time period.

(d) For continuous emission monitoring systems, system performance information shall include the date and time of each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of the system repairs or adjustments. When the continuous monitoring system has not been inoperative, repaired, or adjusted, the information shall be stated in the report.

(11) Quarterly summary reports, if required by the department pursuant to R 336.1213, shall be submitted within 30 days following the end of the calendar quarter and may be used in place of the semi-annual reports required pursuant to subrule (9) of this rule.

History: 2008 MR 17, Eff. Sept. 11, 2008.

**PART 10. INTERMITTENT TESTING AND SAMPLING**

**R 336.2001**

Source: 2002 AACS.

**R 336.2002**

Source: 2002 AACS.

**R 336.2003**

Source: 2002 AACS.

**R 336.2004**

Source: 2006 AACS.

**R 336.2005**

Source: 2006 AACS.

**R 336.2006**

Source: 1993 AACS.

**R 336.2007**

Source: 2002 AACS.

**R 336.2010**

Source: 1997 AACS.

**R 336.2011**

Source: 2005 AACS.

**R 336.2012**

Source: 2002 AACS.

**R 336.2013**

Source: 2002 AACS.

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**R 336.2014**  
Source: 2002 AACS.

**R 336.2021**  
Source: 2002 AACS.

**R 336.2030**  
Source: 1985 AACS.

**R 336.2031**  
Source: 1985 AACS.

**R 336.2032**  
Source: 1985 AACS.

**R 336.2033**  
Source: 1985 AACS.

**R 336.2040**  
Source: 2002 AACS.

**R 336.2041**  
Source: 2002 AACS.

**PART 11. CONTINUOUS EMISSION MONITORING**

**R 336.2101**  
Source: 2002 AACS.

**R 336.2102**  
Source: 1980 AACS.

**R 336.2103**  
Source: 1980 AACS.

**R 336.2150**  
Source: 2002 AACS.

**R 336.2151**  
Source: 1989 AACS.

**R 336.2152**  
Source: 1980 AACS.

**R 336.2153**  
Source: 1989 AACS.

**R 336.2154**  
Source: 1980 AACS.

**R 336.2155**  
Source: 2002 AACS.

**R 336.2159**  
Source: 2002 AACS.

**R 336.2170**

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**Source:** 2002 AACS.

**R 336.2175**

**Source:** 2002 AACS.

**R 336.2176**

**Source:** 1989 AACS.

**R 336.2189**

**Source:** 2002 AACS.

**R 336.2190**

**Source:** 2002 AACS.

**R 336.2199**

**Source:** 1997 AACS.

**PART 12. EMISSION AVERAGING AND EMISSION REDUCTION CREDIT TRADING**

**R 336.2201**

**Source:** 2007 AACS.

**R 336.2202**

**Source:** 2007 AACS.

**R 336.2203**

**Source:** 2007 AACS.

**R 336.2204**

**Source:** 2007 AACS.

**R 336.2205**

**Source:** 2007 AACS.

**R 336.2206**

**Source:** 2007 AACS.

**R 336.2207**

**Source:** 2007 AACS.

**R 336.2208**

**Source:** 2007 AACS.

**R 336.2209**

**Source:** 2007 AACS.

**R 336.2210**

**Source:** 2007 AACS.

**R 336.2211**

**Source:** 2007 AACS.

**R 336.2212**

**Source:** 2007 AACS.

**R 336.2213**

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**Source:** 2007 AACS.

**R 336.2214**

**Source:** 2007 AACS.

**R 336.2215**

**Source:** 2007 AACS.

**R 336.2216**

**Source:** 2007 AACS.

**R 336.2217**

**Source:** 2007 AACS.

**R 336.2218**

**Source:** 2007 AACS.

**PART 13. AIR POLLUTION EPISODES**

**R 336.2301**

**Source:** 1997 AACS.

**R 336.2302**

**Source:** 1997 AACS.

**R 336.2303**

**Source:** 1997 AACS.

**R 336.2304**

**Source:** 1997 AACS.

**R 336.2305**

**Source:** 1997 AACS.

**R 336.2306**

**Source:** 1997 AACS.

**R 336.2307**

**Source:** 1997 AACS.

**R 336.2308**

**Source:** 1997 AACS.

**PART 14. CLEAN CORPORATE CITIZEN PROGRAM**

**R 336.2401**

**Source:** 1998-2000 AACS.

**R 336.2402**

**Source:** 1998-2000 AACS.

**R 336.2403**

**Source:** 1998-2000 AACS.

**R 336.2404**

**Source:** 1998-2000 AACS.

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**R 336.2405**  
Source: 1998-2000 AACS.

**R 336.2406**  
Source: 1998-2000 AACS.

**R 336.2407**  
Source: 1998-2000 AACS.

**R 336.2408**  
Source: 1998-2000 AACS.

**R 336.2409**  
Source: 1998-2000 AACS.

**R 336.2412**  
Source: 1998-2000 AACS.

**R 336.2413**  
Source: 1997 AACS.

**R 336.2414**  
Source: 1997 AACS.

**R 336.2415**  
Source: 1997 AACS.

**R 336.2420**  
Source: 1998-2000 AACS.

**PART 16. ORGANIZATION, OPERATION, AND PROCEDURES**

**R 336.2601**  
Source: 1997 AACS.

**R 336.2602**  
Source: 1997 AACS.

**R 336.2603**  
Source: 1997 AACS.

**R 336.2604**  
Source: 1997 AACS.

**R 336.2605**  
Source: 1997 AACS.

**R 336.2606**  
Source: 1980 AACS.